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NATIONAL SCHOOL LUNCH PROGRAMS

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HEARINGS

BEFORE THE

COMMITTEE ON EDUCATION AND LABOR HOUSE OF REPRESENTATIVES

NINETY-FIRST CONGRESS

FIRST SESSION

ON

H.R. 515 and H.R. 516

BILLS TO AMEND THE NATIONAL SCHOOL LUNCH ACT
AND THE CHILD NUTRITION ACT OF 1966 TO CLARIFY
RESPONSIBILITIES RELATED TO PROVIDING FREE AND
REDUCED-PRICE MEALS AND PREVENTING DISCRIMINA-
TION AGAINST CHILDREN, TO REVISE PROGRAM MATCH-
ING REQUIREMENTS, TO STRENGTHEN THE NUTRITION
TRAINING AND EDUCATION BENEFITS OF THE PROGRAMS,
AND OTHERWISE TO STRENGTHEN THE FOOD SERVICE
PROGRAMS FOR CHILDREN IN SCHOOLS AND SERVICE
INSTITUTIONS

HEARINGS HELD IN WASHINGTON, D.C., JANUARY 16
AND MARCH 6, 1969

Printed for the use of the Committee on Education and Labor

CARL D. PERKINS, *Chairman*



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WASHINGTON : 1969

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NATIONAL SCHOOL LUNCH PROGRAMS

THURSDAY, JANUARY 16, 1969

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The committee met, pursuant to recess, at 9:12 a.m., in room 2175, Rayburn House Office Building, Hon. Carl D. Perkins (chairman) presiding.

Present: Representatives Perkins (chairman), Green, Burton, and Quie.

The CHAIRMAN. The committee will come to order. A quorum is present.

Mr. Secretary, I am glad to welcome you back here. I regret that this may be the last time you will be here in your official capacity.

You have inaugurated and then guided through developmental phases, perhaps more innovative programs in the Department than any other Secretary in the history of the Department. We are all proud of your accomplishments.

I do have a few questions I would like to ask you in connection with two bills. If time permits, I would like to ask you some questions on ESEA.

My questions this morning, Mr. Secretary, will concern the National School Lunch Act.

Last year we held comprehensive hearings in connection with hunger, malnutrition, and the need for additional funding for the school lunch program. During the course of those hearings it was agreed that a special study on nutrition would be made by the Department of HEW and a study was inaugurated during the course of the hearings in several sections of the country. There was maybe \$10 million available at the time. It has been my information that health departments have completed their studies in many sections of the country, and that only a few sections remain to be completed. Notwithstanding that, you have results from practically all of these sections of the country concerning the extent of malnutrition in the country and can now draw some conclusions which will be of tremendous value to the committee in its effort to attend to these needs. I would like for you and your technicians to give us your preliminary findings at this time. Go ahead.

(H.R. 515 and H.R. 516 follow:)

[H.R. 515, 91st Cong., first sess.]

A BILL To amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

FREE AND REDUCED-PRICE MEALS

(a) Section 9 of the National School Lunch Act (42 U.S.C. 1751) and section 4(e) of the Child Nutrition Act of 1966 (42 U.S.C. 1771) are each amended by inserting after the second sentence, a new sentence: "Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions."

(b) Section 9 of the National School Lunch Act is further amended by inserting before the period at the end of the former third sentence, and section 4(c) of the Child Nutrition Act of 1966 and section 13(f) of the National School Lunch Act are further amended by inserting before the period at the end of the former fourth sentences of each the following: "nor shall there be any over identification of any such child by means such as special tokens or tickets or by announced or published lists of names".

(c) Section 13(f) of the National School Lunch Act is amended by inserting after the second sentence, a new sentence: "Such determinations shall be made by the service institution authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions."

APPROPRIATION AND MATCHING

SEC. 2. (a) Section 3 of the National School Lunch Act is amended by inserting at the end thereof: "Appropriations to carry out the provisions of this Act and of the Child Nutrition Act of 1966 for any fiscal year are authorized to be made a year in advance of the beginning of the fiscal year in which the funds will become available for disbursement to the States."

(b) Section 7 of the National School Lunch Act is amended by inserting immediately before the last sentence of the section the following:

"For each of the two fiscal years beginning July 1, 1970, State tax revenues appropriated specifically for use for program purposes in the schools or to defray the cost of intrastate distribution of federally-donated commodities to the schools shall equal at least 4 per centum of the matching requirement; for each of the two succeeding fiscal years, at least 6 per centum of the matching requirement; for each of the subsequent succeeding two years, at least 8 per centum of the matching requirement; and for each fiscal year thereafter, at least 10 per centum of the matching requirement."

(c) The first sentence of section 10 and section 12(d)(5) of the National School Lunch Act are amended by striking the words "preceding fiscal year" and inserting in lieu thereof the following: "latest completed program year immediately prior to the fiscal year in which the Federal appropriation is requested".

NUTRITION TRAINING AND EDUCATION

SEC. 3. Section 6 of the National School Lunch Act (42 U.S.C. 1755) is amended by striking the entire first sentence and inserting in lieu thereof the following: "The funds appropriated directly or by transfer from other accounts for any fiscal year for carrying out the provisions of this Act, and for carrying out the provisions of the Child Nutrition Act of 1966, other than section 3 thereof, less not to exceed 3½ per centum thereof which per centum is hereby made available to the Secretary for his administrative expenses under this Act and under the Child Nutrition Act of 1966, less the amount apportioned by him pursuant to sections 4, 5, and 10 of this Act less the amount appropriated pursuant to section 11 and section 13 of this Act and sections 4, 5, and 7 of the Child Nutrition Act, and less not to exceed 1 per centum of the funds appropriated for carrying out the programs under this Act and the programs under the Child Nutrition Act of 1966 other than section 3 which per centum is hereby made available to the Secretary to supplement the nutritional benefits of these programs through grants to States and

other means for nutritional training and education for workers, cooperators and participants in these programs and for necessary surveys and studies of requirements for food service programs in furtherance of the purposes expressed in section 2 of this Act and section 2 of the Child Nutrition Act of 1966, shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools and service institutions participating in the food service programs under this Act and under the Child Nutrition Act in accordance with the needs as determined by the local school and service institution authorities."

INCLUSION OF TRUST TERRITORY

SEC. 4. (a) Section 12(d) (1) of the National School Lunch Act is amended by striking the word "or" that precedes the term "American Samoa" and by adding at the end of the sentence the following: "or the Trust Territory of the Pacific Islands."

(b) Section 15(a) of the Child Nutrition Act of 1966 is amended by striking the word "or" that precedes the term "American Samoa" and by adding at the end of the sentence the following: "or the Trust Territory of the Pacific Islands".

(c) The National School Lunch Act and Child Nutrition Act of 1966 are amended by inserting the phrase, "and the Trust Territory of the Pacific Islands" after the term "American Samoa" wherever that term appears in such Acts other than in the sections amended by subsection (a) and (b) of this section and other than the proviso in section 11(b) and in section 4 of the National School Lunch Act.

EQUIPMENT RENTAL

SEC. 5. Section 5(c) of the Child Nutrition Act of 1966 is amended by striking the period at the end of the first sentence and inserting at the end thereof "through purchase or rental."

STATE ADMINISTRATIVE EXPENSES

SEC. 6. (a) Section 7 of the Child Nutrition Act of 1966 is amended by inserting in the first sentence following the phrase "its administrative expenses", the following: "or for the administrative expenses of any other designated State agency", and by inserting after the phrase "the local school districts", the words "and service institutions".

(b) Section 7 of the Child Nutrition Act of 1966 is further amended by inserting at the end of the second sentence the following: "including additional activities undertaken in the distribution of donated commodities."

REGULATIONS

SEC. 7. (a) Section 9 of the National School Lunch Act is amended by inserting at the end thereof a new sentence: "The Secretary is authorized to prescribe terms and conditions respecting the use of commodities donated under said section 32 and section 416 of the Agricultural Act of 1949 as will maximize the nutritional and financial contributions of such donated commodities in schools receiving such commodities."

(b) Section 10 of the Child Nutrition Act of 1966 is amended by striking the period at the end thereof and inserting the following: "and the National School Lunch Act, including regulations relating to the service of food in participating school and service institutions in competition with the programs authorized under this Act and the National School Lunch Act. In such regulations the Secretary may provide for interchange of funds by any State between the programs authorized under this Act and the National School Lunch Act on the basis of an approved State plan of operation for the use of the funds and may provide for the reserve from the apportionments to the States of not to exceed 1 per centum of available funds for special developmental projects."

[H.R. 516, 91st Cong., first sess.]

A BILL To amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children not now being reached

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National School Lunch Act (42 U.S.C. 1752) is amended by adding at the end of the Act the following new section:

"TEMPORARY EMERGENCY ASSISTANCE TO PROVIDE NUTRITIOUS MEALS TO NEEDY CHILDREN IN SCHOOL AND IN OTHER GROUP ACTIVITIES OUTSIDE OF SCHOOL"

"SEC. 14. (a) Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to use during the fiscal years 1970, 1971, and 1972 not to exceed \$100,000,000 per annum in funds from section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to formulate and carry out a program to improve the nutrition of needy children in group situations away from home, excluding situations where children are maintained in residence.

"(b) (1) Of the funds to be used for the purposes of this section for any fiscal year, the Secretary shall reserve 3 per centum for apportionment to Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands. Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands shall each be paid an amount which bears the same ratio to the total of such reserved funds as the number of children aged three to seventeen, inclusive, in each bears to the total number of children of such ages in all of them. For the purposes of this section "State" includes the Trust Territory of the Pacific Islands.

"(2) From the remainder of the funds to be used for this section for any fiscal year, the Secretary shall pay to each State, other than those listed in paragraph (1) of this subsection, an amount which bears the same ratio to such remaining funds as (1) the number of children in that State aged three to seventeen, inclusive, in families with incomes of less than \$3,000 per annum, and (2) the number of children in that State aged three to seventeen, inclusive, in families receiving an annual income in excess of \$3,000 per annum from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, bears to the total number of such children in all the States. For the purposes of this section, the Secretary shall determine the number of children aged three to seventeen, inclusive, of families having an annual income of less than \$3,000 on the basis of the most recent data available from the Department of Commerce. At any time such data for a State are available in the Department of Commerce, such data shall be used in making calculations under this section. The Secretary shall determine from data which shall be supplied by the Secretary of Health, Education, and Welfare the number of children of such ages from families receiving an annual income in excess of \$3,000 per annum from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, on the basis of the latest calendar or fiscal year data, whichever is later.

"(c) State educational agencies, or the Secretary as provided for under sections 10 and 13(d) of this Act, shall use the funds authorized in this section to provide meals to children whose parents or guardians do not have the financial ability to provide for the adequate nutrition of the children and to children determined by local officials as in need of improved nutrition. Such funds may be used to finance such children's participation in a nonprofit food service program under this Act or the Child Nutrition Act of 1966; to assist in financing the purchase or rental of equipment needed to operate such programs; and not to exceed an amount equal to 2 per centum of the total funds to be used for the purposes of this section in any fiscal year may be used in such fiscal year to defray part of the administrative costs of the Department of Agriculture and of the States in carrying out this section.

"(d) The authority contained in this section is intended to supplement the authority of funds available for use under other sections of this Act and the Child Nutrition Act, except that not to exceed 5 per centum of the funds available to any State under this section may be used for the purposes of section 13 of this Act.

"(e) The Secretary of Agriculture is authorized to issue regulations for the operation of the program under this section.

"(f) The withholding of funds for and disbursement to nonprofit private schools will be effected in accordance with section 10 of this Act, exclusive of the matching provisions thereof.

"(g) The withholding of funds and disbursement to service institutions will be effected in accordance with section 13(d) of this Act."

STATEMENT OF HON. WILBUR J. COHEN, SECRETARY OF HEALTH, EDUCATION, AND WELFARE; ACCOMPANIED BY DR. ARNOLD E. SCHAEFER, CHIEF OF NUTRITION PROGRAM, HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION, U.S. PUBLIC HEALTH SERVICE, HEW

Secretary COHEN. Mr. Chairman and Mrs. Green, as you know the Congress did ask the Department of Health, Education, and Welfare to make a study of this matter, and when they did I proceeded to initiate a series of reprogramming of funds in our Department to start a more comprehensive national nutrition survey because there was a great deal of debate and confusion and rather striking differences of opinion among Members of Congress, and the people generally, as to whether malnutrition or undernutrition or starvation existed in the United States.

We commenced this national nutrition survey in our Department to try to document what the actual prevalence of malnutrition among the poor is, under the leadership of Dr. Schaefer, Chief of the Nutrition Program of the Health Services and Mental Health Administration of the Public Health Service.

The CHAIRMAN. Is Dr. Schaefer here with you?

Secretary COHEN. He is not here just now. He is coming, and he will be here and be glad to answer any technical questions.

Dr. Schaefer's studies as of this moment cover a study of 12,000 children, so far. There will be more in the future. The preliminary studies that he has completed to date show that there has been reduced growth of children in poverty areas, show that there is significant prevalence of anemia, show that there are lowered levels of essential nutrients as measured by blood studies, show lowered levels of serum albumen reflecting low protein intake, and show unrecognized and untreated health problems, and widespread unattended dental problems among these poor children. I think what is amazing, among these poor people it shows very low levels of participation in the food assistance programs.

I have outlined those in some detail in a statement here, Mr. Chairman, which I presented a few days ago to the Senate Select Committee on Nutrition and Related Human Needs. If you would like, I would be glad to put the whole statement that I made into the record here.

Mr. CHAIRMAN. Without objection, the whole statement will be inserted in the record at this point, in support of H.R. 515 and 516.

(The statement follows:)

STATEMENT BY HON. WILBUR J. COHEN, SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Mr. Chairman, I welcome the opportunity to appear before this Committee and participate in hearings on the problems of nutrition and related human needs.

In my statement this morning, I am not going to simply recount the programs and activities of the Department of Health, Education, and Welfare in the areas of nutrition and malnutrition. For a description of that I would refer you to the report I submitted to the Congress on June 7, 1968, which I have brought with me today for insertion in the record, and to the appendix to today's statement which outlines these programs and their current funding levels.

Today, however, I would like to sketch for you a broad perspective on the problems, outline a policy position which I feel is appropriate for Federal nutri-

tion activities in general, and make specific recommendations that could, in my opinion, lead to a better organized and more effective Federal effort in nutrition.

Your Committee has already heard testimony describing the reality of the problems of malnutrition in America, and explaining the difficulties of exact enumeration of the problem. When Dr. Schaefer testifies before you next week with preliminary data from the Public Health Service's National Nutrition Survey, you will have the best information available. These data will show clear and unmistakable evidence of:

Stunted growth and development among children.

Inadequate nutrition,

Clinically recognizable signs and symptoms of malnutrition.

Exactly how widespread these conditions are across America, among the poor, the aged, the sick, and the young, is still not clear and will not be for some time. But it *is* clear to me that malnutrition *does* exist in America, and that it is highly correlated with poverty. This basic correlation of malnutrition and poverty will be my major theme, and I will return to it several times this morning.

Broader aspects of nutrition

I need not remind the Committee, that malnutrition among the poor is one part of a vast range of nutrition problems. There are other areas that at first glance do not seem directly related, but are in reality part of the same overall concern. A rapidly changing food technology, the balance of food and population growth in the United States and throughout the world, and rapid expansion of basic knowledge in the medical and nutrition sciences, to name just a few, are all subjects that must be considered in a national nutrition policy. Issues such as these will make questions of food and nutrition policy of the utmost importance, in the very near future, if not today. We need to know a great deal more about:

The medical, esthetic, and economic aspects of an increasingly synthetically-produced diet.

The development of new foods from such new sources such as single-celled organisms.

Effective methods for coping with, if not preventing, the local famines that probably will occur in the world in the next few decades as a result of natural or man-made catastrophe.

Ways to achieve optimal diets for physical and intellectual growth and development.

Specific relationships between mental retardation and nutritional deprivation in infancy and early childhood.

In all these areas, and many others, we need more knowledge. And then we need a mechanism for mounting programs to use our knowledge promptly and effectively. The present uncoordinated nutrition activities in the Federal government have led towards neither effective gathering nor effective application of knowledge.

Fragmented responsibilities

Nutrition activities have been characterized by division of responsibilities among multiple governmental Departments and Congressional Committees with fragmentary coordination and often overlapping activities. This has been true in most areas of nutrition activity—from basic or applied research, through manpower development, clinical services, health education, and food distribution. Even within a given department, there is usually a scattering of activities with often unclear functional relationships and policy objectives. You heard Drs. Mayer and Latham describe the contradictions between primary concern for the food producer, and primary concern for the needy consumer. In my own Department, we have had instances of inadequate program coordination. We have recently begun to develop a coordinating mechanism for nutrition activities within our Department. We need better means of such coordination throughout the Federal government—in both the executive and legislative branches. I will make some specific recommendations on this point at the close of my testimony.

Poverty

I think that this Committee, by emphasizing the relationships between inadequate nutrition, inadequate medical and educational services, and inadequate public assistance programs, is focusing on the heart of the problem. The problem is one of poverty—a poverty of personal and family resources, and, I would add, a poverty of effective social concern. It is a problem that weighs most heavily on:

Impoverished mothers, infants, and young children, especially among minority groups.

The aged, one-third of whom are poor.

School aged children of poor families—whom have not adequately been reached by the school lunch and special milk programs (in some districts families on welfare are specifically *excluded* from the free lunch plans).

For the 22 million poor in this country, and the 12 million or so near poor, our social services exhibits gross disparities between the need and the assistance provided.

Public assistance programs serve only about 40 percent of the poor. Further, some States provide in actual assistance payments less than 50 percent of what the State *itself* considers a necessary standard. The many inequities and inefficiencies of our present welfare programs are well known to this Committee.

Food assistance programs do not even reach some 14 million of the 22 million poor. Even where Federal legislation has authorized and funded food assistance programs these programs often fail to meet the nutritional needs of the poor. Administrative barriers have been erected in some States and localities causing the Federal intent of these programs to become distorted or diluted.

Recent figures indicate that only 45 percent of the families receiving aid to dependent children (AFDC) receive food stamps or commodities, and only 50 percent of such families living in areas with food programs receive such assistance.

In the sample of Texas families that Dr. Schaefer will describe for you next week, two-thirds had incomes of less than \$3,000 per year. Less than 10 percent of all these families were receiving food stamps or commodities.

I think the inequities and inadequacies of our current food assistance programs have been dramatically illustrated. It is clear that we need to consider new approaches.

Mortality and morbidity statistics document quite clearly that the poor do not have access to adequate health services. Poor persons experience infant and maternal mortality rates more than double that in the general population, increased morbidity from acute and chronic disease, greater work loss due to chronic disability, medical care that is too often impersonal, inconvenient, and fragmented; again this has become a story we now know too well. Though recent years have seen real advances with Medicare, Medicaid, Neighborhood Health Centers and other programs, we are still far from the national goal of equal access to high quality health care for all Americans.

One could go on and on—through disparities in educational and job opportunities, in access to legal aid, and could document the endless “disadvantages” of being among the disadvantaged. The point is that all these strands are inextricably interwoven into the knot of poverty. Begin with any one and you meet with all the others.

That is both the greatest challenge and the deepest relevance of our concern with adequate nutrition. The implications of a malnourished infant, or even of his mother before his birth, range far beyond our concern with “health” as narrowly defined. They range into whatever parameters we choose with which to measure the health and well-being of our society.

Thus, I would suggest the following as the basic premise underlying the development of a rational and coordinated national effort to eliminate malnutrition.

Malnutrition is but one of the symptoms of a basic disease: poverty. Treatment of both this symptom and the disease is necessary. Areas for immediate action to eliminate malnutrition and its effects include: (a) better information about the extent and effects of the problem, and continued monitoring of our efforts to solve it, (b) an adequate program of food assistance, and (c) a program of food and nutrition research, innovative marketing techniques, and health services. At the same time, attention must be directed to the prevention and cure of the underlying disease—poverty. This is best done by assuring that every American family has an income adequate to meet basic needs.

Recommendations

As an outgrowth of my eight years of recent experience, I believe we must establish and implement a coordinated national policy on nutrition. My personal recommendations are:

First, a Federal Inter-Agency Nutrition Council should be created, chaired by the Secretary of Health, Education, and Welfare and made up of representatives of the major Federal agencies involved in nutrition activities: to (1) outline national policy in all areas of nutrition, and (2) to coordinate the activities of the individual departments and agencies.

The Food and Nutrition Board, National Research Council, of the National Academy of Sciences, would act as a nongovernmental advisory body to the Inter-Agency Nutrition Council.

Second, within each relevant agency an Intra-Agency Nutrition Committee should be created, to monitor and coordinate nutrition policies and programs of that agency, and whose chairman would be the agency's representative to the Inter-Agency Nutrition Council. We have already moved within DHEW to set up such a committee, which began early last Fall to assemble information on all aspects of nutrition activities in the Department.

Third, a new agency—the Human Nutrition Administration—should be created in the Department of Health, Education, and Welfare. Nutrition and food programs directly affect the health, education, and welfare of our citizens. They relate to, and depend upon, many of the programs, policies and services administered by the Department of Health, Education, and Welfare. This is especially true for those aspects of nutrition problems correlated with poverty, and for the research and evaluation activities I mentioned earlier. For these reasons, creation of this new agency would promote both a rational coordination of nutrition activities, and a program focus on the needs of consumers, rather than on the interests of the agricultural producer.

I propose that this Human Nutrition Administration include research and evaluation activities such as the current National Nutrition Survey, and have responsibility for a revised and expanded program of nutrition education, food assistance, and integrated nutrition and health service activities. I believe the problems of malnutrition and hunger can be best met by shifting primary responsibility for revised and innovative food stamp and food distribution programs, as well as school feeding and other relevant medical-nutrition programs, to this Human Nutrition Administration.

The Human Nutrition Administration would need to *take a hard look at current commodity distribution programs*, in terms of the foodstuffs distributed, the mechanisms of distribution, the need for increased consumer education in the use of the foods, and the value of commodity distribution in relation to food stamps.

For all of our food assistance programs we need to increase our skills and impact in the areas of nutrition education and effective marketing techniques of nutritious foods. For this area, as I recommended in my previous testimony, the *private sector needs to be involved* with ideas, demonstration programs, and perhaps large-scale participation in the production of especially-nutritious foods for population groups at high risk.

Let me emphasize that we need an agency that does *not* focus only on health, or on agricultural production, or even solely on the poor. We need an agency that can bring to bear resources in education, health services, food and drug technology, marketing strategy, economies, public welfare, and related programs.

Fourth, our system of public welfare must be radically overhauled. Changes must be made in the existing welfare system—in the scope of coverage, the adequacy of payments, and in the way in which payments are administered. A federally financed system of public assistance with a national basis for determination of eligibility, amount of payments, financing, and appeals, should be substituted for the present State-by-State welfare programs. Such a system would overcome many of the problems of inequity, State variation, and fiscal inadequacy which have plagued the States and the present welfare system for more than 30 years.

The nation-wide standard must include a realistic standard allowance for food prices in different parts of the country, with the Federal Government paying 100 percent of the standard. One of the earliest tasks of the Interagency Nutrition Council should be to set an effective standard by July 1, 1970, and establish machinery for keeping it up to date.

Fifth, food stamps should be available on a nation-wide basis, with eligibility based upon family income, utilizing national poverty standards developed by the Social Security Administration, rather than local welfare standards.

Sixth, I have recommended changes in the Executive Branch which would facilitate coordination of Federal nutrition efforts. I believe comparable efforts must be made within the Legislative Branch to coordinate authorizations and appropriations for food and nutrition related programs. At present at least nine separate committees in the Congress review nutrition related programs.

Finally, I would reemphasize that our orientation needs to be broader than just a single focus on malnutrition among our poor. It must include emphasis

in two directions, first on the entire poverty cycle, and second on the implications of good nutrition for our entire society, and indeed, the entire world.

The recommendations I have made are designed to promote this orientation, and improve America's ability to develop and implement a coordinated national policy on nutrition.

But the program changes and the recommendations I have set out go beyond issues of legislative intent or administrative efficiency. They speak instead to the question of whether a country of such vast resources as ours can tolerate the existence of even one malnourished child. It is the now familiar issue of want in the midst of plenty, of having the ability but perhaps not the will; it is a question of the very values of our society.

I believe we must establish the elimination of malnutrition in the United States as a national goal. As in the Employment Act of 1946 where the Congress stated that it is the policy and responsibility of the Federal Government to "promote maximum employment," I propose that Congress now enact legislation declaring the eradication of malnutrition to be a national responsibility, and giving the appropriate officials in the Executive Branch the authority and responsibility to implement this mandate.

Secretary COHEN. For instance, food assistance programs do not reach some 14 million of the 22 million poor. We have an estimated 22 million poor in the United States at the present time and we find that food assistance programs do not reach some 14 million of that amount. Even where Federal legislation has authorized and funded food assistance programs, these programs often fail to meet the nutritional needs of the poor; administrative barriers have been erected in some States and localities, causing the Federal intent of these programs to become distorted or diluted. For instance, we discovered one of the things is that the food distribution centers are only open at certain hours on certain days on which mothers with young children who need this cannot come. They don't have anybody to leave their children with and many of them are just not even physically accessible to them; they don't have a car to go in, they don't have transportation, or it is on a day or at a time absolutely impossible for them to take advantage of it.

Recent figures indicate that only 45 percent of the families receiving aid to dependent children receive food stamps or commodities, and only 50 percent of such families living in areas with food programs receive such assistance. In the sample of Texas families that Dr. Schaefer has completed so far, there were two-thirds of those families that had incomes of less than \$3,000 per year but less than 10 percent of all these families were receiving food stamps or commodities. So the documentation, I think, that has developed so far, but which is not yet complete, I think shows convincingly that there is not only undernutrition and malnutrition but that there is a great deal to be achieved in these programs in operation in the counties and in the States. The survey that Dr. Schaefer is completing will encompass Texas, Louisiana, New York State and city, Kentucky, and Michigan, and that will be completed by June of 1969. Then we are going on in the survey to five additional States: Massachusetts, West Virginia, California, Washington, and South Carolina. We plan to have those finished in late fall of 1969. I think that when this is completed, Mr. Chairman, you will then have very excellent information to resolve this controversy.

The CHAIRMAN. Can you tell us, or should I ask Dr. Schaefer, how you arrived at the 14 million figure?

Secretary COHEN. The 14 million figure?

The CHAIRMAN. Yes.

Secretary COHEN. First you start with the 22 million figure, of course. I should describe that, so that you understand what I am referring to. The concept of poverty that we use, which is also in use by the Office of Economic Opportunity, is developed by Miss Mollie Orshansky in the Social Security Administration. That concept starts with the definition of a minimum amount of food intake for a person or family, and then determines from that what the total budgetary requirements, including clothing and other needs, are, for a family of four persons, a man and wife and two children; at the present time it runs about \$3,300.

That is then adjusted by size of family for one person to seven persons in the family, for urban and rural differences, and for age differences. So there are approximately 65 different combinations of family size, urban-rural, age differentials which are then used to determine how many fall below that level.

For instance, for an aged person at the present time, if I remember correctly, it is in the neighborhood of \$1,600 or \$1,700 for an aged person, and about \$2,100 for a couple. Then we find that there are 22 million people who fall below that particular level and that is the resultant figure of the number on poverty.

The answer to your particular question—

Mrs. GREEN. Would you yield, Mr. Chairman?

The CHAIRMAN. Yes.

Mrs. GREEN. On these figures that have been used by OEO, the revised figures, referring to a book by the two former Directors of the Census Bureau, is it not true that you included all the GI's that have below the \$3,000 figure?

Secretary COHEN. I would have to look that up, Mrs. Green.

Mrs. GREEN. Would you do that?

Secretary COHEN. I would rather look it up and put it in the record. I am a little hazy as to that.

Mrs. GREEN. Would you do that?

Is it not also true that all of the students in college that fall below this particular income, the magical cutoff point between poverty and an adequate income? And the third category, all elderly people who have any earned income below this figure? In other words, consideration was not given to accumulated savings or to the fact that the elderly people would own their own homes. It seems to me these three categories if, in fact, they are included in the poverty figures, make the whole poverty estimate rather imprecise, to say the least.

Secretary COHEN. Yes.

On the latter point, I can answer that: Yes, you are quite correct; assets are not included in this definition because this is an income concept, not an asset concept. So you are quite correct. There could be a person who had an income below whatever the figure was and had some assets that he was drawing on to produce that low income.

Mrs. GREEN. Would you include all elderly people who would be clipping coupons?

Secretary COHEN. Yes, ma'am.

Mrs. GREEN. And have an earned income of less than \$1,500 individually or \$3,000 for a family?

Secretary COHEN. Let me say the income included both earned and unearned income, the income side, that is. But it does not exclude the person who has a low earned and unearned income who has assets of say, over \$15,000, \$20,000.

Mrs. GREEN. Is it also true, for instance, as I was told by people in the Southwest who own their own home and their land—for instance, they may own a home and 5 acres but again have an earned income, not including the food that they actually raise on the 5 acres, but their earned cash income is less than that magical figure and they are automatically included in the poverty statistics?

Secretary COHEN. Yes, that is correct; there may well be people where the retail value of the food they produce and consume is not included as income in figures, so there could be people who were just exactly at about the level, who find themselves in the poverty program but actually had sort of a market basket situation in which they were above that level.

Mrs. GREEN. The reason I raise this question is, that until we define poverty more precisely, we are not really going to be able to find the solution to some of the very critical poverty problems.

Secretary COHEN. Yes. The concept is one in which it is extremely difficult to have any real, absolute assurance that it meets everybody's concepts. Miss Orshansky, however, has spelled out in her articles exactly in detail how she arrived at the figures, what assumptions she has used in including and excluding people. It is entirely possible for anyone who differs with her to include or exclude certain items and come to a somewhat different figure.

However, on the asset side, Mrs. Green, I myself did a study on that in 1959 when I was at the university, and I came to the conclusion on the asset side at least that it was not a very substantial effect in excluding aged people from the poverty group. It is true that the richest and the poorest people in the United States are in the group age 65 and over. So you do have some extremely wealthy people with very large assets, many of them spreading it out, so to speak, but it isn't numerically very significant. Your other two questions, however, I will look into them and I will put them into the record.

Mrs. GREEN. Thank you.

(The information follows:)

It is my understanding from the Office of Economic Opportunity that all persons living in "group quarters" are not included in the poverty count. This would include college students living in dormitories and GI's living in military quarters. Some college students and GI's *not* living in "group quarters" might conceivably be included in the poverty count.

Secretary COHEN. Now, the question you asked is how we got the 14 million figure. As I recall, that comes from the Department of Agriculture statistics. We found that in the food assistance programs there were nearly 6.3 million persons participating and the assumption is that this will increase to over 7 million by the end of the fiscal year.

Now, I can't tell you why I said it does not reach even 14 million if 7 million were getting them—

I understand the mathematics now. We estimate from this Department of Agriculture statistic that there were 7 million receiving either surplus commodities, directly, or food stamps. So of the 22 million who are poor, subtracting 7 million from the 22 million we assume that

there were 14 million of that group who were not in any way receiving food stamps or direct commodities.

The CHAIRMAN. Mr. Secretary, we are spending approximately \$550 million presently for the school lunch program; that is, the Federal Government, this year. From your knowledge of the program and the number of hungry children now not receiving free or reduced price school lunches, should we be spending more money to reach more children? Do you feel we should make available at least another \$100 million on top of what is presently in the President's budget, which is a little over \$600 million for fiscal 1970?

Secretary COHEN. I would say the answer to your question is unequivocally yes, that there needs to be something more done in this program. Now, there are 41½ million children, Mr. Chairman, today who are determined to be poor and needy by State welfare departments, not by the Federal Government but by the State and local welfare departments of this country.

Among those 41½ million children, I am positive myself that there is extensive malnutrition, undernutrition, and even if that could not be proved I can say unequivocally that the amounts of money that they are living on certainly cannot purchase a food intake comparable to what you and I would like for our children and grandchildren, because the average amount of payment in Mississippi is only \$8.40 per month per child—\$8.40. The average in the United States is only in the neighborhood of \$40 a month per child, and even in New York City the average is running \$60 per child for food, clothing, shelter, everything.

Now, I cannot believe as a parent that it is possible to provide a minimum degree of the American standard of living, of food intake, shelter, and the other basic necessities of life, on that amount. I know from two or three isolated examples, which I believe are indicative of the general situation, that these AFDC children are coming to school, they have not received a good breakfast at home, if any, and they cannot afford to pay for any lunch in the school lunch program, and many of them are just going without adequate food intake and their protein levels I am sure would show up to be low. These are the people who are going to be the future citizens of the United States and the future voters and the people we are going to depend on. So I feel very strongly that something has to be done in that area.

Now, there are four and a half million of those children on welfare. Perhaps in terms of what Mrs. Green said, my figure that there are 12 million children who are poor may be subject to some margin of error, but I can say unequivocally that there are several million other children in the country who are in just about the same financial straits and their families, who are not on the AFDC rolls, above the four and a half million, simply because the State welfare departments are not in a financial position to add those on; they just don't have the State and local funds. If you don't agree with my 12 million figure I would be willing to make a bet that there are at least 6 million, half of that number, who fall below any reasonable standard of income that ought to have some kind of supplement on the food side.

Mrs. GREEN. The reason I raise the question, Mr. Secretary, is that if we define terms more precisely we could really accomplish more.

Secretary COHEN. Yes.

Mrs. GREEN. I would completely agree with you that we have far too many and we have done far too little and we ought to move in this direction.

Several years ago, maybe 15 but at least 10, when I was in Puerto Rico during Operation Bootstrap, I recall the programs that were in operation there. There were trucks with loudspeakers moving on the streets. They were carrying on not only a program in health, in terms of inoculation against polio and smallpox vaccination, but I also recall the loudspeaker going up and down the street urging parents to bring their very small children who were not in school, for a free breakfast and free milk. Why can't a program like that be carried on? Why are we limited to providing only the free lunch program or now to embarking upon free breakfast for the needy children if they are enrolled in school? I do not pretend to be an expert, but the studies that I have read would indicate that the diet in the very young years or even the prenatal period is crucial, and yet we have really done nothing in this country on a food program until the child is in school.

Secretary COHEN. I think you are making the most important point that could be brought out in this hearing, namely, that the design of the food nutrition program or a food distribution program that begins with the child at age 6, while as important as it is to feed his stomach, in many ways it is far too late. I mean, one must begin at much earlier age and I think Dr. Schaefer can speak about this.

I think malnutrition that exists both with respect to the pregnant mother and the child at the earliest ages has been reasonably demonstrated, to show several things: the potential increase in mental retardation of the child when it is born, the diminution of his intelligence quotient if there is a lack of adequate diet at the early age, and a number of other things that the physicians can well tell you are serious. Therefore, I believe, as you were indicating, that we must have a very, very vigorous policy of health education combined with this. Our own investigations show that there are many mothers in this country, particularly among those with the least incomes and the least education, who are not completely aware of the nutritional factors during the periods of pregnancy and in the early years of a child's life. Secondly, many of them are completely unaware of the existence of where to get nutritional information and certainly of the programs that now exist; as I indicated, many of the counties do not make it easy for a mother with several children to get that information and get that food. I would propose that we spend, I think I estimated in the Senate hearings that we allocate about \$50 million initially to a very extensive program of reaching these people with the information that we have.

Now, one of the things I would do, Mrs. Green, there are 1 million mothers on welfare today, 1 million of them. I believe that we are overlooking the opportunity to reach a group of women with families to help raise their standard of living and their information; I would bring these sound trucks and information to those mothers. I think they want the information. I think those mothers are not callous or indifferent. It is true that a very large number of them have a less than eighth grade education. It is true many of them live on the most inadequate amounts and do not have carfare or transportation to go to take

advantage of community services. My thought is to bring those services to them in the communities where they live. I would bring family planning information, nutrition information, information on how to raise children. I think this would help to raise the standards of the people on welfare, and many of them could become self-supporting. They do not have that kind of information today, Mrs. Green.

Mrs. GREEN. We have the mobile units for TB.

Secretary COHEN. Yes.

Mrs. GREEN. I would like somebody in the Department to make a study, including a cost analysis on this. It would seem to me that of the people in greatest need, one group is the very young whom we do not reach in schools and whom I think can only be reached by mobile units; the other is the very elderly who for a variety of reasons have imbalanced and inadequate diets.

Secretary COHEN. Right.

Mrs. GREEN. It seems to me that mobile units with sound equipment in the mornings could bring food, or at least make parents know where they could get it within their neighborhoods, within walking distance, and in the evening they might be used as meals on wheels for the elderly.

Secretary COHEN. Yes. The meals on wheels program, where it has been used, I think has been very successful in bringing both the quantity of food and health information particularly to isolated elderly people. There is no question in my mind that that has been demonstrated.

Mrs. GREEN. It would be a lot cheaper than nursing homes.

Secretary COHEN. Yes.

Mrs. GREEN. It would allow elderly people to live where they have their roots imbedded rather deeply.

Secretary COHEN. I concur completely.

The CHAIRMAN. Mr. Secretary, we all want to get as much money as is necessary spent on completely eliminating the malnutrition and undernourishment problem. Where should we place priorities, assuming we were only to get \$100 million, \$200 million, \$250 million over and above the \$1,100 million presently in the budget for next year for all food service programs?

Secretary COHEN. I will take a crack at that. I don't know that you will agree with me, but if I were the one that would be making the decision, Mr. Chairman, I would put a minimum food or general standard in the welfare program for these 4 million—5 million children. As I said, every one of those has been adjudged to be needy. They are already on the rolls. They are getting \$8.40 a month in Mississippi. I don't see why the great United States of America can't determine what, within whatever amount the Congress believes is available, to put in a minimum content and immediately provide a food budget for those four and a half million children. They are the poorest of the poor. There is no question they have been adjudged needy. There is no question in my mind that the State and local agencies know that these people have this need and I am pleased to see that the task force that Mr. Nixon appointed under the leadership of Mr. Richard Nathan of the Brookings Institution came out and favored some kind of a provision that would give Federal financial help to bring those minimums up to a reasonable level.

In my opinion, that is the highest and first priority that ought to be attained.

If that is not possible, then I believe the food stamp plan ought to be made more universal or made universal with a national standard of income that would apply throughout the country so that equity would be provided. Then, as more money is available, raise that standard. In other words, what I am suggesting is put the national standard at whatever level Congress has appropriated funds, and then treat everybody reasonably equitably. Then as you get more money, raise the standard until you reach some defined poverty level that Congress is willing to appropriate funds for.

Mrs. GREEN. Mr. Chairman, I would like to see this committee really give a great deal more attention to this. I recall in connection with your question a statement, I believe by Secretary Freeman, that if we can land a man on the moon we ought to be able to put food into the mouths of hungry children. To that I would add in terms of priorities—and if you have any comment on this, Mr. Secretary, I would be glad to hear it—it seems to me rather shocking that this, the wealthiest country in the world, only spends \$550 million, to which the chairman referred, on the total school lunch program and yet we seem perfectly willing to spend unlimited resources on space. I am advised that it costs over \$200 million, to get one rocket to the launching pad. We do not spare any effort or any funds to get as many as we feel are needed to go to the moon and apparently now, all of the planets beyond. Yet we limit the amount that we will spend on food.

Secretary COHEN. Yes, I think it is tragic, Mrs. Green, because no one can estimate the incalculable damage that is done by the lack of adequate nutrition in these young children. I myself believe at least from the kinds of preliminary reports of the physicians and psychologists, that there is a great deal of permanent damage, or at least damage—dampening the intellectual capability and incentive of young children by a lack of adequate nutrition at the earliest ages. Certainly, the evidence that we are receiving which is not in scientific terms absolute, but I think the associational evidence is convincing to me that there is an increase in mental retardation among families and mothers and children where there is this inadequate food intake, and that this is a very serious thing. Every retarded child produced in this country is going to cost probably something like \$100,000 to \$150,000 to take care of during its lifetime. So, spending a couple of hundred dollars a year more on this food program, in my opinion, would be a great savings, not only in economic terms but in the pain and suffering of mothers and families. I think it is a good investment. I just think we ought to put more into these programs to raise the nutritional level of our families.

The CHAIRMAN. Mr. Secretary, I would like to ask you a couple of concluding questions this morning in connection with the program.

Last year during the comprehensive hearings we suggested that it would be a good thing to record for your county health officers and your health departments where they are in existence, all the malnutrition cases just like we recorded cases of measles, and so forth. Are we presently making a record of those cases? Do we have the county

health officers, adequate county or city health departments to do the job throughout the Nation?

Secretary COHEN. Not at the present time. Mr. Chairman. The ability of the county health departments and the State health departments of this country, as conscientious as they may be they do not have the methodology and resources to do this. The only way you can do this, in my opinion, is through this kind of very complex nutrition survey that Dr. Schaefer is doing. Dr. Schaefer has come in. I would like to introduce him. This is Dr. Schaefer right here.

He has run these surveys. He knows about them in foreign countries. He has done them in other countries in the world. I remember his telling me about the one in Guatemala and those in other countries.

Now, he is doing this on a scientific basis. Local health departments and State health departments do not have that kind of sustained resources to go into and analyze this thing. While I have to leave now, if you would like to have Dr. Schaefer tell you what he is doing I am sure he would do so.

The CHAIRMAN. I will ask Dr. Schaefer further questions on this point but as a concluding question: I know that we have many problems in the field of health. In some of the counties I am privileged to represent we don't have a county health officer. One of our great needs is health officers serving all the children in those counties. Would it be your view that this should be a priority for HEW before we ever undertake to enter into supplementing the activities of the Department of Agriculture in connection with the procurement and distribution of agricultural commodities to needy persons? In other words, has any study been made, official study, by your Department as to how this best can be done? Whether the food service programs can best be administered by HEW or best be administered by the Department of Agriculture? I don't know, myself. I am seeking information. Let me go along just a little further before you answer.

I know it takes a lot of money to set up a medical facility to examine these children in all the counties. You have to have the technical people, the nurses, you have got to have resident nurses, you have to have doctors to do the proper job. The same way in the welfare department. I just doubt that we have the supportive services that it would take in the welfare department to distribute the commodities or take over the food stamp program, since the history of it has been in the Department of Agriculture.

Furthermore, the welfare workers have been cooperating with the Department of Agriculture and have been utilized by the Department of Agriculture in all communities and States; insofar as I know, they have worked hand-in-glove together. I would like to ask you, has any official study been made along that line?

Secretary COHEN. I can't say that any official study has been made, but over the years my staff has studied very carefully the food distribution program, the food stamp program, the nutritional needs, and so on. I have, as a result of looking at all those studies, come to several conclusions. The conclusions are less based on statistical information than they are based upon my own conception of the review of what ought to be done. I would put them in this way: The food distribution program ought to be diminished and eliminated as promptly as pos-

sible. It is not the wisest and best method of providing nutrition to people. A food distribution program is based upon surplus commodities which may or may not have nutrition, which may or may not be useful to a particular mother or family, which may not come at the right time, which may not be available to them at the local level and which may ultimately be either wasted, misused or sold to get other types of food that are more essential.

The CHAIRMAN. Here is the point that worries me. You can go to my office this morning where I received 10 or 15 letters complaining about the administration of the old age assistance program, the disabled program, the ADC program. Now, I write to the State departments and try to get some answers. The responses I get indicate the States are not doing the job. How would you carry these good ideas of yours out? That is what worries me.

Secretary COHEN. I would create a human nutrition administration in the Department of Health, Education, and Welfare and give that administration authority to deal with whatever programs Congress provided for in this food area, free from domination of the agricultural producer interests and make primary reliance on good nutrition for the mother, the child, and the family. I would supply it with adequate funds to carry out what Congress had in mind, and I would tie together in that a health education program that brought to the mothers and children and the families the best knowledge nutrition, about food intake and health conditions, combining with it a number of other programs that are related to health. I should not say combining, but relating it to that so that the 4 million children that are born each year and the 4 million mothers that deliver a child would have this information coming to them at the well baby clinics that they would go to, doing the sort of thing Mrs. Green said, giving them information via sound trucks, pamphlets, through discussion. I would utilize more of the welfare mothers in the dissemination of this knowledge. I would try to bring this information right down into the ghetto, into the inner cities. For that reason, I think you have to change the whole role of the Agricultural Extension Service which is largely related to the middle income, white attitude, to have a service that got you into the black community and into the poor white community in these cities, that brought this health and family planning information, and so on, where it can be used. In other words, there is a lot of good information out, don't misunderstand me. We got very good information on prenatal care, we have got very good information on family planning, very good information on nutrition. It isn't getting to the people who need it at the right time in the right place.

So I would like to see a food nutrition program that coupled nutrition information to the people at the point where they can use it.

The CHAIRMAN. We would have to have separate legislation for that and give the Federal Government additional authority so that you could bypass the present State welfare departments; am I correct in that statement?

Secretary COHEN. In part, yes, but in part no. Let me tell you what my conception would be. I would like to see a statute passed similar to the Employment Act of 1946 which I would call the Human Nutrition Act of 1969, and I would like to see Congress declare, as a matter

of national policy, that by 1976 malnutrition and starvation would be eliminated from the United States.

I would like to see in that statute specific authorizations of money to be given to some Federal department or official that would be adequate over this 8-year period to achieve that goal. Then the components would be put in there that would hold that agency responsible for carrying out that objective as defined by Congress.

I would create some kind of a council, somewhat like the Council of Economic Advisers, not necessarily full time, whose role it would be to define nationally the concept of nutrition or the standard that we wish to obtain, maybe changing it from time to time on better evidence, and then assess each year through Dr. Schaefer's studies the degree to which we were progressing toward that goal.

Then if we did not reach the goal by 1976 or such year that Congress put in, Congress has a way every year of reexamining how well we are reaching it and to hold somebody responsible for why we are not reaching it; redefine the goals, put in new appropriations or put in new requirements for the States, or whatever is involved, but to focus that responsibility and definition of policy in one law that is freed from the concept of being something to help agricultural producers but rather to redirect the whole philosophy and concept to the idea of having a society in which everybody has good nutrition and good health.

The CHAIRMAN. Thank you very much, Mr. Secretary.

Now I would like to ask you some questions on the subject of ESEA.

Mr. Secretary, when you were first funded money on ESEA, the average payment per pupil over the Nation was \$210 and the present average payment per pupil is \$170. Do you not see that that is one of the most demoralizing aspects of the situation and is where the criticism comes from more than from any other source, that is in connection with the inadequate funding of ESEA.

Secretary COHEN. Yes, sir, and I believe that we should restore in this coming fiscal year the same amount per child spent in the original year you talked about, the \$210. I believe that that should be done during this coming fiscal year, Mr. Perkins.

The CHAIRMAN. Do you feel that we should keep on the track that we are now traveling until we reach all of the disadvantages before we raise teachers' salaries in general?

Secretary COHEN. I am not prepared to make that general conclusion. I would say this: I would take it in steps. I believe that you ought to fund in this next year—I am speaking now more to the Appropriations Committee than to your committee—to fund title I ESEA at the level which would at least provide for the same amount per child, recognizing increased costs and the increased number of children, that was provided in 1966-67.

I believe, if my memory serves me correctly, that that would take somewhat in the neighborhood of \$270 million more. I may have forgotten. It is in the \$200 million range.

The CHAIRMAN. If I understand it, the reports that are presently coming to the Office of Education are giving an objective view of the results obtained from the expenditure of ESEA funds.

Are these late reports that are properly coming in showing up better from the standpoint of the so-called tempo report?

Mr. COHEN. I have not read the later reports, but I understand that they are more favorable. As I said yesterday, I do not think the tempo report, based on the first year's experience, should be utilized in any way, shape, or manner as a basis for evaluating title I. I think you need at least 3 or 4 years of valid experience in title I, fully evaluated, before you come to a conclusion.

The CHAIRMAN. Poor children need more than remedial teaching?

Mr. COHEN. Right.

The CHAIRMAN. For that reason, relatively speaking, that report is not of much value. Am I correct?

Mr. COHEN. I do not want to say it is of no value. I think every study that throws some light on the methodological problems of evaluating the complex aspects of compensatory education is of some value. But the tempo report dealt with the first year of a limited aspect of the program in a few school districts, and I think you should not take it as anything more.

But I do believe, Mr. Perkins, to answer the question, we must re-examine the ESEA Act to see where our next step should be.

As I said yesterday, I believe one of the next steps is the establishment of some concept of a national minimum or minimums—I do not know there is one that is absolutely correct—but minimums that Congress would progressively move toward. And I would try to reach a higher and higher minimum over a period of years.

After we have reached some kind of a desirable minimum, then I would hope you broaden ESEA in a number of ways: teachers' salaries, construction, and others, while you do not have enough money to do everything, I think you should continue ESEA, expand it, put the national minimum in, come back and evaluate the program after you have had 4 or 5 years of experience and then decide where you go from there.

The CHAIRMAN. Let me thank you, Mr. Secretary, for your appearance here and for all past appearances.

Mr. BURTON. Mr. Chairman, this may be the last time we will be able to talk to or about our distinguished Secretary while he is still a member of the President's Cabinet. I would like to say that with all of the fine things that the administration has done, and all the fine leadership this administration has given to programs in the domestic area, I do not think there is a single person in the country or in the administration that has done as much as our distinguished visitor and witness this morning, Secretary Cohen. I do not think there is anybody in the country that has done as much to help more people more substantially find some measure of social and economic justice than you, Wilbur. As you retire, I hope temporarily, from public responsibility here in Washington, I fully believe and I hope that you accept the unassailable fact that you have done so much for so many, and if they were here they would second this very modest understatement of what you have done for humanity.

Mr. COHEN. Thank you, Mr. Burton, very much.

Might I say as a man leaves public office he is more aware of what he has not accomplished than what he has, but it has been a pleasure working with this committee and other Members of Congress. I think any man who has worked with Congress 34 years as I have comes away

with a great feeling of what a great institution it is. A lot of people criticize it. I suppose some of the criticisms are valid, but if you work as closely as I have with Congress over 34 years, the only thing you can come away with is what a great institution it is for establishing these national priorities, and when I come back as a private citizen I might have some additional things to say, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Dr. Schaefer, come around. I recall what an excellent witness you made when you were before the committee last year in connection with the committee's study of malnutrition. I am delighted to welcome you. We are most anxious to hear from you in connection with the data you have compiled from the survey that has been in progress during the last year. If there is no objection we will hear from you at this time.

STATEMENT OF DR. ARNOLD E. SCHAEFER, CHIEF, NUTRITION PROGRAM, HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION, PUBLIC HEALTH SERVICE

Dr. SCHAEFER. Thank you. I appreciate that.

I am Dr. Arnold E. Schaefer, Chief, Nutrition Program, National Nutrition Survey, U.S. Public Health Service.

Mr. Chairman, in a way I apologize for not being able to bring down this morning a preliminary copy of the report that we are preparing to present before the like Senate committee next Wednesday. I will in general terms describe if you wish some of our key findings and then be very willing to submit these reports also for your records.

The CHAIRMAN. Go ahead.

Dr. SCHAEFER. I wish to state that the findings we have summarized as of today are indeed preliminary insofar that we have examined approximately 12,000 individuals. Our overall goal when we complete the first phase of the National Nutrition Survey will include about 75,000 people.

I should preface all comments that I make that our sample from which the participants are drawn is from those areas of the lowest quartile of income from the United States. So in this regard our findings if we wish to say they are biased, bias insofar as our first effort has been in the lower quartile of income.

I think of pertinence to this committee and the Secretary's testimony this morning, basically we are alarmed at the finding of the large number of schoolchildren and especially children in the 6- to 9-year-old age group, that have exhibited evidence of what we call malnutrition—and I should define this term—malnutrition being that state of an individual that really places him in the condition, if he is subjected to additional stress, be it work or be it infectious disease, chronic, that could very well result in having that individual show what we call flagrant signs of malnutrition.

Our key basis for assessment of the problems basically rests on evaluation of growth of the zero to 6-year-old child and then again from six to teenage group. We are confirming this by doing X-rays which take away the genetic interpretation of our data.

Secondly, the biochemical analysis of tissue level of key nutrients

which enables us to identify the presence or prevalence of anemia. And the other nutrients—I do not wish to burden you with the full——

The CHAIRMAN. In this survey you depend upon the various State boards of health to make this survey. Am I correct?

Dr. SCHAEFER. Yes; our procedure of operation has been to negotiate contracts through the States.

The CHAIRMAN. And at that point, after the State boards of health took charge, just how did they go about obtaining these results at the State and local levels?

Dr. SCHAEFER. Mr. Chairman, we have first developed a series of procedures and methodology which have been similar to what we used in the past.

The CHAIRMAN. Of course.

Dr. SCHAEFER. Our procedure was to work through our HEW regional office down to the State that was selected and negotiate an agreement to conduct the survey, whether it is Texas or whether Kentucky or Louisiana, according to the specifications that we have established, making it clear that we would assist the State in guidelines and standardizing the techniques and procedures.

We would monitor the study by having either staff members of my staff or consultants assist in making certain the procedures conducted within the State and among the States would be similar and identical.

I could perhaps give you a better description by talking specifically of Louisiana or Texas, in which the State commissioner of health then asked us to negotiate directly with the medical school. In Louisiana it was the School of Public Health. Since there rested a resource of personnel that had been experienced in nutritional assessment, they had worked on many of our former surveys.

The surveys basically, you are correct, are through the States. During the survey of Louisiana, however, the procedures that they have used are the same. We have a reference laboratory that checks to make certain that the methodology is correct, similar insofar as the physical examination of the dietary studies we are doing and the social economic data we are obtaining. Basically, an effort has been made to make certain that this is a uniform conducted operation within the States and among the States.

The CHAIRMAN. You have used the methods you have used in the past, compiling statistics through your State and local organizations such as the local health department. Have you presently made arrangements to personally compile the cases of malnutrition in the country just as you would compile statistics on the number of cases of some diseases, measles or polio, for example?

I am asking if you have done the same thing in connection with malnutrition?

Dr. SCHAEFER. We are endeavoring to try to set some guidelines that would enable the compilation or identification of the kind and types of malnutrition. It is much more difficult than measles where we have a one-disease entity. But we are working with probably 15 or 16 different kinds, the end point being different kinds of diseases that can be labeled malnutrition.

Just recently the commissioner of health of Louisiana officially announced that malnutrition would be a reportable disease. This is 1969

and this is the first time this has gone out officially to all county health officers in the State of Louisiana.

There are many States that do not require or even perhaps have the facilities to report malnutrition.

The CHAIRMAN. That is correct, but if we have adequate health facilities back at the local level—I know the area that I represent, I think quite well. I can visualize that through trained nurses, school personnel, welfare workers, and county health officers who are providing vaccination and other services for the children in the area, data could be obtained from the malnutrition cases.

I would think it would be an extremely useful thing for your Department to commence to compile statistics on malnutrition in this country. I would think it could be done through the existing organizations you have right now.

Are you contemplating doing anything along that line, or are we going to have to continue to guess for the next 25 years?

Dr. SCHAEFER. Mr. Chairman, I do not think we will have to continue to guess. One of the problems that has faced the nutrition area as far as defining malnutrition has been the lack of people that have had an interest or have had any specialty training in actually diagnosing malnutrition.

We have taken the stand that the risk is too great of having permanent damage, especially in our younger age group, to wait until one has all clinical or physical reasons that one can say a blind child is due to vitamin A. When one can observe this it is too late. What we are concerned about is to be able to identify early in the child's or person's life the tissue level which indicates he is a risk. This can be prevented in the vast majority of cases if we can assure that the children and every individual is properly fed. By properly fed, I mean not just having a full stomach but having the right quantity and quality of diet. That is perhaps the easiest and most preventive measure.

There are means for making some quick assessments and steps are being implemented recently by the Children's Bureau through the American Academy of Pediatrics to record height and weight. This is one of the easiest and perhaps the quickest ways of determining where you—as an individual or child—are losing weight or gaining weight at the usual normal level.

The CHAIRMAN. So you have not any plan to teach nutrition to the social workers or the welfare workers or bring about some preventive medicine for these youngsters we are talking about in HEW?

Dr. SCHAEFER. I remind you, sir, I am quite a way down the totem pole. I do not wish to get into policies. I can certainly indicate that our group and the advisory group we have within the Department has given cognizance to the real urgent need to assist schools in getting—by this I mean kindergarten schools, high schools, and in our colleges and medical schools—to upgrade nutrition and health in all of its aspects. Just from our preliminary study, we have a precise feeling that if anything, perhaps we have gone backward in really getting nutrition across to students in nutrition and health, to our schoolchildren from kindergarten on up, and these are the future mothers.

In our studies today, certainly one of the real problems is the fact that the population we are working with, many of them mothers, some

as high as 40 percent, do not have the knowledge of how they should feed that child, knowledge about health care for the child and for family planning.

Some of this is a language barrier. In one area in Texas 40 percent of our mothers could not read or write English. Therefore, the usual pamphlet and the usual material that is put out before these people are completely ineffective.

We have seen what we consider serious cases of malnutrition, real serious, and in the majority of these cases it was basically the lack of knowledge on the mother's part with the kind of milk she feeds.

The CHAIRMAN. I have one question to you, whether your Department has assumed the initiative to teach or to try to bring about the teaching of nutrition to the people that need it at the local level, the State level?

Dr. SCHAEFER. I consider this a dual responsibility both from the agricultural extension program side—

The CHAIRMAN. That is what I am driving at.

Dr. SCHAEFER. And working with them to make maximum use of the people that are in agricultural extension, the home economists, the people that will be addressing themselves at the local level to that mother and jointly approaching a concerted effort through our educational system.

The CHAIRMAN. You feel they are in better position to do that job than you are at present; is that correct?

Dr. SCHAEFER. I would not say that. I think it is a joint effort, and as long as there are home economists and extension people that have contact in the local community, they certainly should be used.

I think it behooves us to work with them to make sure that they talk not just food commodities or even food groups, but get down at a realistic level to make sure we are getting the health impact across and informing that mother—well, it is really Agriculture, Health, Education, and Welfare. There are cases where she cannot afford—you could tell her to buy so many pounds of this food group and that one, and it would not do any good if you did not have the funds.

Mrs. GREEN. It seems to me that a logical place would be the school that is within the walking distance of the youngsters.

Last year I tried to get schools in Washington to become community centers. Has any effort been made by you or your Department or by any other agency to focus there and center in on this to use the home economic classes already built? It would take no additional money to use the home economic classes in the day for the youngster and to use them after school in the afternoon and the evening and have cooking classes. There is no social stigma to women coming and taking cooking classes and they could have a pretty good dose of nutritional standards.

Dr. SCHAEFER. I think this is the one reward I personally have observed in the States we have worked in to date, the recognition that the school is probably the one best focal center that can reach virtually everyone.

I think one of the benefits of the study is it gave us a chance to observe the good and the bad and we have seen some good where a school system, basically the school principal, decided he could not teach a

child unless it was properly fed, nourished and in good health, and he used this school system to get through the PTA's to the mothers, having them come in to assist in feeding the children. He arranged for courses on feeding of the entire family for the mother and has really instigated a nutrition education program within his school district. That happened to be a district in which we found virtually, well, a dramatic reduction in any prevalence of any malnutritional signs.

I think much of this could be done on an expanded basis without a lot of money. But we are hoping, and we will have some preliminary drafts, that regional conferences could be established. By that I mean bringing in a five- or six-State area, the key educators from the State school system through their higher education, people that are involved in health, in nutrition, food service people, food stamp and donation people, to develop a revised or improved curriculum from kindergarten up to high school.

Throughout our land it is a geographic center where people congregate and it is probably one of the best mechanisms to get to this. We think this could be done, and I am not talking a hundred million range, but probably for a couple million dollars we ought to be able to within a year have a procedure fanning out to reach every single school system in the United States.

And I have doubts, with all the food commodity distribution programs and food stamp programs, we will get to some of the real key problems we are seeing today.

Mrs. GREEN. It seems to me such an obvious way to get at the problem. I wish you more success nationwide than they have with it in the Nation's capital when we have a very minimal amount of money.

If you would allow me, Mr. Chairman, one other question.

This study I realize is focusing on nutrition and malnutrition, but do you include any questions or try to find out any answers about the so-called battered children syndrome?

Dr. SCHAEFER. Yes. Not actually in our questions, but when we have identified a child we consider seriously malnourished, this is taken up as virtually an individual case to determine why, and I would say that you will always find these cases, you find them in Washington and California.

Mrs. GREEN. I mean on a systematic basis, it is almost impossible to get figures on it.

Dr. SCHAEFER. Correct.

Mrs. GREEN. I have a feeling we have many more than we like to think.

Dr. SCHAEFER. We have a series of questions by which we are trying to get at it, but this gets to be a personal, like a criminal offense, if one could prove it, and of course our questions cannot lead to this.

The CHAIRMAN. This 14 million figure covers the entire Nation, not just your studies. If it does cover the entire Nation, how did you project that figure?

Dr. SCHAEFER. Mr. Chairman, I want to clarify something, that I did not say 14 million. What I indicated was that to date—

The CHAIRMAN. As Wilbur used it.

Dr. SCHAEFER. Wilbur used the 14. I cannot really answer that. I assume in the basic data the Secretary referred to the 14 million.

The CHAIRMAN. Do you concur in that statement?

Dr. SCHAEFER. On the basis and realization I am doing some projecting, and we have only worked and completed one State survey, and we are three-fourths finished in Louisiana, we are about a third or half, not quite a half, finished in New York State, upstate, and we have finished about a fourth of our study in Kentucky. We are just getting ready to go into Michigan to launch the survey, and we still have five States to go. Now 10 States will not enable us to do a complete projection across the United States, but it will give us some intelligence.

Our sample is drawn from the lower quartile income area and to date we have studied roughly 12,000 individuals. That would be over 3,000 families. In general, with an average income for the families, 56 percent roughly receive less than \$3,000 a year income. So over half of our families, and these are selected on a random basis whereby we have a spread of income from \$185 per family per year to \$43,000. We have some people in here that are in the \$43,000 level. But nearly half our samples are what we would consider in that poverty level.

If one projects this, you come close to the 15-13-million level throughout the United States. I am being unfair in taking our preliminary data and projecting it across the entire United States.

Mr. BURTON. The question may be quite elementary to you, but of interest to me.

What, if any, correlation is there between caloric intake and nutrition, and is there any agreed level in international terms on the calories per day being the equivalent of an adequate diet?

Dr. SCHAEFER. I spent most of my lifetime in this area to determine whether one could truly rely on dietary intake data, in which, by the way, the first thing one calculates is the total calories, recording the amounts of food consumed by each person per day. I do not want to belittle the dietary, but this is important, one has to have this in order to develop applied recommended remedial and preventive measures.

But if I can make one point, that just to rely on the dietary in which one can only get information by the recall method, say today what you ate yesterday or by going into the home and actually weighing food or having you record it for a week, this is indeed a short span in your lifetime, and it just is not feasible through dietary studies over a long period of time.

Some of the nutrients we are talking about, the human body, just as animals, is unique in that they need some of these nearly every day at the right proportion. There are a few that are stored in the liver, but not to an endless amount. And therefore, dietary assessment is just one aspect. Certainly we have had controlled studies and many controlled studies done under metabolic ward conditions, and this has given us our knowledge on what happens, how long does a person have to be on a reduced caloric intake before he loses weight and before he gets to starving, starvation being where we consider you have actually had some real changes.

Mr. BURTON. I am not looking for such an extensive reply. I gather you are saying that though there is some interest, you have questioned the validity of the measurement and then, even if you could agree on the measurement, there probably is not any necessary correlation between caloric intake daily and level of malnutrition. Is that what you are telling me?

Dr. SCHAEFER. Yes; basically for that individual.

Mr. BURTON. Just one question, a quick yes or no.

Given these commonly needed nutrients, how oversimplified is it to say all right, the Government will have a pill we will provide each day for all people of given income levels to see at least they get these commonly needed items?

How many miles wide of the mark is that thought?

Dr. SCHAEFER. I think economically it is wide of the mark, and even scientifically, because even at this date we still do not know all the requirements, all the nutrient requirements, and especially how much are required.

We also know that on some of these one could overdose and overdosage being in some cases just as detrimental as an underdose or inadequate intake. The dietary pattern certainly needs—we use this preliminary planning in establishing guidelines. And, one, if one has reduced caloric intake in a large population you will be able to identify this by weight loss, measuring less fat in the tissues and you can predict, if that kept on, you would have eventual starvation.

We have experience in predicting the famine in Ethiopia, and many other countries we have worked in. We have key points on caloric intake, like reduction in weight, that indicate that unless something is done that country or area can be subjected to a famine. Of course, we had experience in World War II the same way.

Mrs. GREEN. Do you want to continue? You were explaining the results of your study in Louisiana.

Dr. SCHAEFER. We finished Texas, 75 percent of our study in Louisiana, 50 percent in upstate New York, and about 25 percent in Kentucky.

We will have a team in the field, Michigan really will, in this coming month, in February. We are at the stage where we are ready to negotiate contracts with California, Washington, with Virginia, Massachusetts, and South Carolina.

It is our sincere hope that we will have all the 10 State surveys completed early next fall so that we can have a final report for the entire first phase of our survey available by December of next year. Our plan, however, is to submit interim reports to both the House and the Senate on our findings. We have prepared the first one for the Select Senate Subcommittee of Senator McGovern, and this will be available by Wednesday of next week. We will certainly be pleased to make a copy available to this committee.

Mrs. GREEN. Where did you say you had cutoff figures for the poverty level?

Dr. SCHAEFER. We actually are planning to use, and are putting into our computer, the O'Shanky Index developed by HEW, which takes into account family size, location, urban, rural geographic area within the United States.

Basically, in our first evaluation to give some characteristics of our samples, the general cutoff figure we have used has been 3,000. After seeing the OEO recent summary, we will probably raise that to \$3,300. At least based on the \$3,000 cutoff figure we had 56 percent of our families in this category.

Mrs. GREEN. Do you use the \$3,000 in Louisiana or New York?

Dr. SCHAEFER. We used one figure, and primarily this is due to our urgent need to quick make a screen.

Mrs. GREEN. Do you think it is valid?

Dr. SCHAEFER. It certainly is not valid in general terms if one compares people living in Buffalo, N.Y., versus someone in a rural area. That is why I am saying in the data we have we have not broken down our malnutrition findings by income. Until we can get all of the facts into the computer on family size, location, north or south, rural and urban, at that time we will be able to come up with a specific answer to some of the questions.

Is malnutrition more prevalent, and how much and what kind in the key poverty groups?

What we do have is evidence that a third of our children are classified as anemic irrespective of income. To us this is a really shocking number and anemia defined is where the American Academy of Pediatrics has reviewed our data and indicated this child needs medical attention.

We have other figures on some of the other nutrients that are in this same range, a third of the 0 to 6-year-olds have serum albumin, vitamin A levels at such a level we think is a physical health risk unless either foods that contain vitamin A are fed that child, or unless he gets actual let's say a pill or injection.

This to us is extremely alarming and indicates an urgency and need to address ourselves to that teenage or that preschool child.

The CHAIRMAN. I am still not satisfied with what you have said about the 14 or 15 million figure of Mr. Cohen.

Dr. SCHAEFER. Honestly, I have no basis for challenging that figure or revising it. I am not trying to evade the question primarily because our studies to date are biased in that we only had a chance to look at Texas, Louisiana data, and now we are about a third or quarter through in Kentucky.

The CHAIRMAN. Do you feel that the samples you did study are fairly representative of this whole country and that you are able to project a figure and that 14 or 15 million is a reasonable figure?

Dr. SCHAEFER. Mr. Chairman, again I would state that the reason we selected the 10 geographic States, we think when we finish those 10 States where we have Massachusetts and New York in the north, we have Michigan, we have Washington, we have California, we have two States in the Appalachia region, we will have Texas, Louisiana and South Carolina, we will be in a much better position.

I think you will also recognize with me that we have a void in the Midwest, but on our first phase in which we wanted to go to different geographic regions based on economic status, on different kinds of ethnic groups where there were rural and social differences throughout our land, at that state I can assure you we will include and come up with a projection. But I think it would be completely unfair or unintelligent for me to make a projection on the basis of what we have studied today.

The CHAIRMAN. You would not want to express your best judgment then on the study and projection you have made so far?

Dr. SCHAEFER. This I am always willing to do, and I would say our guess is it is going to be in the neighborhood of 10 to 15 million.

The CHAIRMAN. Ten to 15 million. That is what I want.

Assuming we are presently spending, or will if appropriated, \$1.1 billion for other services, for school lunch and distribution of commod-

ities, rural conditions do improve and we are able to obtain another \$100 million, where would you recommend that spending be made, in what category, food service, or what?

Dr. SCHAEFER. Mr. Chairman, I am firmly convinced that just more food, unless it is the right kind of food, will not address itself to the key problems we are finding. I would place first emphasis on making every effort to educate that mother. A hundred million I think is all one could reasonably use. I think it would be difficult to use much more than that in the education effort.

I would encourage the use of food stamps, but incorporating with that increased food stamp program a must, being education, to educate that mother, and if this requires having a hundred nutritionists teaching a thousand mothers, or a thousand high school girls that could then teach 10,000 mothers, I would spend the money in that area.

The CHAIRMAN. We have a bill and it does just that to a limited degree, and we all agree that must be done. But assuming that you have hungry children or hungry elderly people, you would not want to hesitate to put money into food services in that instance.

Dr. SCHAEFER. No.

The CHAIRMAN. You feel then we would need additional funding; is that correct?

Dr. SCHAEFER. I am firmly convinced that in this United States we ought to have no one that would be classified in the terminology we have used here this morning, as under- or mal-nourished. Certainly we have the best food production, the best food marketing and distribution system in the world, and supposedly and really the best health facilities in the world, and it does not speak well for us if we are willing to see either the young or the aged suffer from malnutrition. I think it just behooves us to address ourselves to it.

Mrs. GREEN. I would like to just add support to what I think you said, that we ought to really place a lot of this money on the education of parents. I have been in welfare homes in the 1960's where youngsters actually had rickets which we at least know how to prevent and where packages of dried milk were on the kitchen shelf and the mothers have said they literally did not know how to fix it. Yet their child is hungry and has rickets and nothing is being done.

This is a case where more money for more dried milk is not going to solve the problems. We must put the emphasis on the value of this kind of food for the child and make it possible for the mother to know how to fix it and how important balanced diets and proteins, also, are for human beings.

Dr. SCHAEFER. We have observed cases of rickets and it is most discouraging to realize that this could be wiped out, eradicated with the discovery that vitamin D added to milk or enriching all milk with vitamin D would prevent this.

We will have coming out of our report I think some encouraging information to indicate that vitamin D milk, the amount or quantity, is going down instead of up, that the price of vitamin D milk is higher. It certainly is in Montgomery County than unenriched milk.

Here is a product when first introduced, a discovery at the University of Wisconsin, the patent required that no increase in the price of milk could be added to it and, as you know, that patent ran out about 5 years ago. I think one of the big steps that the Secretary of

Agriculture made recently was to make sure that vitamin A and D was added to skim milk powder. This was not effective until this past fall. This meant that all skim milk powder distributed through the food commodity distribution program up until the edict of October this year did not have A and D in it.

I personally in my group have carried on the crusade that we had to add A and D to all skim milk going overseas. This was initiated in 1965. It took until just recently to get A and D in the skim milk powder. That mother in poverty had only skim milk powder that had no A and D. You are adding insult to injury.

The CHAIRMAN. You are the expert and are acquainted with the lunch put together by the Department in conjunction I presume with your own Department. Is that a well-balanced diet?

Dr. SCHAEFER. I did not hear the first part of the question.

The CHAIRMAN. Is the type A lunch presently being served in the schools for school lunches a well-balanced diet?

Dr. SCHAEFER. Yes; I think in general. Just like any other feeding program, you cannot get up and say every school is doing a good job, but the guidelines that have gone out for the school lunch program certainly are well-balanced. There is one pitfall. It only insures a child of one-third of his meals and we have seen the same thing in other areas where the mother or the family does not really care and gets Johnny off to school without breakfast, just that one meal would not do.

Here we need to make sure we are going to take into consideration what he got before he came to school and what he gets when he gets home from school. But specifically in answer, they have done a good job.

The CHAIRMAN. To what extent has nutrition been taught in connection with the school lunch program and the other food services?

Dr. SCHAEFER. I would say a very low level. There are exceptions and these are the kind, if we could use these as demonstrations and get other people to adopt them, other schools, other areas. But in general the answer is no, of necessity no from what we have seen.

The CHAIRMAN. Mr. Burton?

Mr. BURTON. How long have you been serving in your current capacity?

Dr. SCHAEFER. As chief of nutrition program since July of 1967.

Mr. BURTON. How long has your agency been working on developing the data necessary to determine about all the elements that would be necessary for an adequate daily diet?

Dr. SCHAEFER. It goes back really to the history of the Public Health Service. I happen to be fortunate enough to inherit the office of Dr. Goldberg, who worked on pellagra, and identified this as a nutritional deficiency. I would say that really the science of nutrition did not really come into fruition until the turn of the century.

Mr. BURTON. How much additional in the way of personnel would you anticipate it would take for your agency to pin down all the elements necessary for adequate daily diet? Because, as I understand your testimony at this point, you are still not certain whether you have identified all of the elements necessary for adequate diet.

Dr. SCHAEFER. I guess this is really the story of medicine and public health.

The reason I made that statement, we have had an opportunity of doing some experimental work and we have come across some nutrients that 5 years ago were considered toxic. Let me take selenium if you are in the Midwest area, which is a toxic element. Yet it has also been found to be an extremely necessary element. The Food Nutrition Board, Academy of Sciences, still never recognized that we had to be worried about selenium.

We had another one recently, chromium. Chromium usually has been considered a toxic element. We do not know how much of this mineral is required. We know it is involved——

Mr. BURTON. My point is, I do not know what your budget is, but your particular area is probably the one single most likely authoritative source for this Government or State or local government to look to in determining what our objectives should be. Is that not correct?

Dr. SCHAEFER. I hope that is correct.

Mr. BURTON. Yet you tell us you are really not comfortable with the information that you have been able to develop to date. You would prefer to be more certain about the standards that you would state to provide all the necessary elements for adequately daily diet or adequate diet.

Is that essentially correct?

Dr. SCHAEFER. Well, no, because one, I am not ready to say we cannot tell you what to do now, we have to wait for more information which may be 50 years from now. I think we know enough right now of the current most immediate problems that good solutions and programs can be developed.

Mr. BURTON. Have you spent any time looking on the development of the pulling together of all of these elements in what, for lack of a better term, I will describe as in pill form? Has not your study, since the turn of the century, led you to believe that low-income people are going to be lacking in essential needs?

Dr. SCHAEFER. It is not just low-income people, I assure you.

Mr. BURTON. People?

Dr. SCHAEFER. People, across the board.

Again let me state that we know enough today to recommend good adequate diet. This is why people say, take a balance of——

Mr. BURTON. I am trying to pin you down a little bit. Excuse me. If you will answer the questions I ask you, then we will proceed.

Dr. SCHAEFER. Right.

Mr. BURTON. In response to my earlier question, you left the clear impression you did not have enough information. Now I understand you are telling me you do not have all the information, but you have enough information to know what elements, et cetera.

Have you done any research as to the technical problems and feasibility of putting these elements together for lack of a better way to put it in something I will describe as a pill?

Dr. SCHAEFER. The reason I said we did not have enough knowledge on the bill, this means you are putting in individual elements and some of these have to be in the right balance. We do not have that

kind of information to put man on a synthetic diet and insure that he can live from birth to death by the pill mechanism.

What I would like to point out is that one of the God-saving graces that we have, if we eat animal foods—and we eat animal foods—these animals are already screened—

Mr. BURTON. I am speaking at a different level from you. I was as proud as I think any person could be when I watched the Apollo 8 achievement. This would have been impossible without adequate research and development funding. As a result of your testimony, it occurs to me we might be able to determine, with a little more money, a little more research, a little more development, that many people are lacking basic elements which can be packaged—for a lack of a better way to describe it—in pill form.

Will you kindly deal with these three points: one, have the elements necessary been identified; two, has the technology been developed to pull them together; and finally, is this course economically feasible? Have you done any work in these areas?

Dr. SCHAEFER. Yes.

Mr. BURTON. How close are you, in terms of technology as distinguished from whether or not it is economically feasible, as a technical matter could you do this in a reasonably short period of time?

Dr. SCHAEFER. The answer to that would be no for the human.

Mr. BURTON. How close to a breakthrough in this area are you? Are you even going down this road?

Dr. SCHAEFER. HEW, through NIH, is supporting basic nutrition research and has for years. I cannot give the answer. If we knew we would have all the answers and it would not be research. The answers are not all available in the field of nutrition.

Mr. BURTON. In your opinion, if you were able to perfect the process of pulling all these things together in some fashion, in a capsule, would it be economically feasible?

Dr. SCHAEFER. My answer to this is, "No, it would not be economically feasible."

Mr. BURTON. How much in the way of research do you think it would take to be certain as to whether it was economically feasible or not?

Dr. SCHAEFER. It would require more than biochemical and health research. It would require social and psychological research because regardless of the pill, man still has the ability and satiety of wanting food. It is different from putting a rat in a cage and putting food before him.

Mr. BURTON. I have an essentially low income district. I know the almost insurmountable problem of communicating, particularly when you have a bilingual situation. I know the problem of acquiring the personnel to communicate particularly with those poor who are withdrawn. I thought there might be a somewhat easier way to do this. I gather from your testimony you do not think this is a fruitful avenue of inquiry.

Dr. SCHAEFER. I think you took me too broadly. Certainly there are areas where you have malnutrition in children that could be improved by adding iron and some key nutrients to the milk they are drinking at

extremely low cost. We have information that goiter can be helped by adding iodine to salt. That is different from the question you asked about putting everything in a package. But we do have knowledge on key problems some of which could be helped on a low cost basis by establishing standards and improving our standards. Obviously we have made some progress. Anemia is one.

Mr. BURTON. Who was it that found out in the surplus commodity program vitamins A and D were not added?

Dr. SCHAEFER. I knew that for a long time as far as skim milk was concerned, and up until 1967 we were involved exclusively in the international field.

Mr. BURTON. Are you permitted to report regularly to committees like this one when you know of matters that should be matters of policy and are not; or are you restricted so you would consider it outside your authority to bring matters like this voluntarily to our attention?

Dr. SCHAEFER. The only way I could answer that, up until recently there has been a lack of focus or interest in nutrition. Certainly there are articles after articles written in the scientific journals and scientists—and I hope I am one—have failed to communicate them to Congress and to the people.

Mr. BURTON. Are you able to tell the Congress if there are deficiencies in governmental policy that ought to be adopted, or would you consider that as exceeding your statutory authority?

Dr. SCHAEFER. No. I think Secretary Cohen laid out clearly the problems he felt should be attacked, and I agree with him. Basically, we have a Food and Drug Administration that is primarily concerned with a commodity. We have Agriculture which is primarily concerned with a commodity. We have the human nutrition group that is now addressing itself to the extension of that. But we have not had a focal center that would discuss the problem of nutrition. It just has not existed before.

Mr. BURTON. Yes or no; did you have authority to tell Congress you think skim milk should have vitamins A and D added or it would bring about the incidence of disease?

Dr. SCHAEFER. Yes. We told the Congress. If you will look up the Vice President's last speech before the Senate made in 1960 I think you would find that.

Mr. BURTON. I am sure in my city and in the chairman's area our people have been using this milk. You can be sure I would not have had to know it should have vitamins A and D added for a minute before I would have called it to the attention of the appropriate people in Agriculture. I am disturbed by the fact it took so long to do this and I wonder in how many other areas of your expertise that we should know about?

Dr. SCHAEFER. My only comment is I am not that much of an expert, except I do know one can establish food standards and Federal controls and guides, but unless that food goes in interstate commerce there is no real control over it. I think there needs to be a real look at our food standards, especially since we have such a dynamic food industry, to make sure iodized salt would be available in areas where goiter occurs,

and that the right iron and other nutrients to control anemia were added to cereals.

Mr. BURTON. All right, you are doing all right, but suppose you talk a little slower so the reporter and all of us can get it. Start with iodized salt.

Dr. SCHAEFER. I think Federal standards, that I hope would be adopted by the States, would provide that where goiter is a problem all salt would be iodized.

Mr. BURTON. In other words, goiter can be induced by the lack of iodine in salt, is that correct?

Dr. SCHAEFER. Yes.

Mr. BURTON. Now we get to anemia. If there were the right forms of iron in cereals, did you say?

Dr. SCHAEFER. Can I give you one explanation? In flour there are standards that provide for the addition of iron, thiamin, riboflavin, and niacin.

Mr. BURTON. To be added to flour?

Dr. SCHAEFER. To be added to flour at prescribed levels. This is not mandatory, but one of the reasons for setting this standard at the beginning of World War II was primarily to make sure that adequate levels of these nutrients would be consumed, because bread is consumed by the entire population.

Recent data has found that the iron that is added is not absorbed 100 percent, and we think—we do not have the precise data—that the high incidence of anemia that we see today might well be due to the fact this iron is not used completely. So one needs now to either establish new specifications for the kind of iron that is added and the quantity of iron that is added to it. And this certainly can be done and I am positive will be done in short order in connection with Food and Drug and industry.

Mr. BURTON. Have you mentioned this in any manner or form to anybody in authority prior to today?

Dr. SCHAEFER. Yes.

Mr. BURTON. To whom?

Dr. SCHAEFER. This has been submitted and discussed with Food and Drug, with industry, and mechanisms and procedures are now underway.

Mr. BURTON. When did you bring this to the attention of Food and Drug?

Dr. SCHAEFER. Do not give me credit for it. Actually, Food and Drug found this out.

Mr. BURTON. How long ago?

Dr. SCHAEFER. Basically 3 years ago. Two years ago there were problems but the answers are becoming apparent.

Mr. BURTON. Two or 3 years ago was the Secretary of Agriculture informed to your knowledge?

Dr. SCHAEFER. Yes. I wouldn't say the Secretary of Agriculture, but this is a cooperative effort between Agriculture, Food and Drug, and the scientific community.

Mr. BURTON. Do you know who in industry was contacted? Was it an association of millers or what?

Dr. SCHAEFER. Primarily a cereal manufacturers association.

Mr. BURTON. Do you have any other thoughts in addition to the two you mentioned that you think might be useful to improve diet or nutrient intake?

Dr. SCHAEFER. One of the purposes and hopes that will come out of this survey is that we need to know what the key problems are. We will have to identify those foods consumed by the population, whether by children or by adults, and see what should be added and in what amount. We are advocating a sound nutrition process, and to add it to every food but to be sure we will meet the basic levels of these nutrients.

Mr. BURTON. Are there any patents that have a negative influence on adopting these ideas you mention if the appropriate group decided to go ahead? Do we find ourselves with any patents that would drive up the cost so much it could not be implemented?

Dr. SCHAEFER. I know of none at the moment.

Mr. BURTON. Thank you very much for your patience, Mr. Chairman. It is seldom some of these agencies that know so much can be specific about what they know. I will call Secretary Freeman.

The CHAIRMAN. He will be here at 2 o'clock this afternoon.

Mr. BURTON. That is fine. He has done so well in so many areas I will bet someone forgot to mention this to him.

Dr. SCHAEFER. He is aware of it.

The CHAIRMAN. Thank you very much. Are there other aspects you want to comment on?

Dr. SCHAEFER. No, except, as you are aware, we are presenting our preliminary findings to a Government committee next Wednesday and I am sure copies can be made available to this committee. We will be pleased to keep you informed on our progress as we go along. It has taken longer than I had hoped it would take, but we appreciate the opportunity to appear before this committee.

The CHAIRMAN. Since you have completed your studies you know what the problems are.

Dr. SCHAEFER. In honesty, I have not analyzed all our data. We went first to key health problems and now we are going into the correlation of this with food intake and with the social and economic problems and distribution problems.

The CHAIRMAN. Thank you very much for your testimony.

The committee will recess until 2 p.m., at which time we will hear the Secretary of Agriculture, Mr. Freeman.

(Thereupon, at 11:25 a.m. the committee recessed until 2 p.m. of the same day.)

AFTERNOON SESSION

(Present: Representatives Perkins (chairman), Green, Pucinski, Quie, Reid, and Collins.)

The CHAIRMAN. The committee will come to order.

Mr. Secretary, let me again welcome you before the committee. It is a sad occasion for me to see an able administrator, a great workhorse, and a true humanitarian like you leave Washington. You have contributed so much to the good causes over the period of years which it has been my privilege to know you. It has been a special pleasure for me to work with you on the food service programs for which there is

such a critical need. I look forward, of course, to your appearance again here at some future date because I know the occasion will arise when we will seek your experience and judgment.

We have introduced two bills, H.R. 515 and H.R. 516. H.R. 516 makes section 32 funds available for additional school lunch money, and H.R. 515 amends the act to clarify responsibilities related to providing free and reduced price school lunches, and puts in order the school lunch program from the standpoint of requiring contributions from the States over a period of years. Schoolchildren should not be required to make up most of the State's matching funds.

During the course of the hearing I would like for you to tell us whether we can spend this additional money without jeopardizing the purposes of section 32, insofar as dealing with perishable commodities, and whether it would be better to reappropriate the funds unexpended at the end of the fiscal year.

I would like to have your views on that and your views on H.R. 515 likewise.

Go ahead.

STATEMENT OF HON. ORVILLE L. FREEMAN, SECRETARY OF AGRICULTURE, ACCOMPANIED BY RODNEY E. LENARD, ADMINISTRATOR, CONSUMER AND MARKETING SERVICE, DEPARTMENT OF AGRICULTURE

Secretary FREEMAN. Thank you very much, Mr. Chairman. It is a privilege to appear before this distinguished committee once again.

Last week I told the Senate Select Committee on Nutrition and Human Need that I was making my last appearance before a committee of the Congress as Secretary of Agriculture when I testified before them.

But here I am today testifying before this committee.

Apparently a Cabinet officer—to paraphrase the description of another type of public servant—never dies, he just testifies away.

The CHAIRMAN. I see you remember the great general.

Secretary FREEMAN. I shall always welcome the opportunity to testify on measures to end hunger and malnutrition, regardless of circumstances: and I welcome especially the opportunity to support the proposals, H.R. 515 and H.R. 516, being considered today by this committee. The latter would make available \$100 million a year for 3 years from section 32 funds to provide free and reduced price meals to needy children, and the former would greatly strengthen the Federal-State framework through which the child nutrition program operates.

Both of these bills are essential to maintain the momentum in the child nutrition programs achieved by the passage last session of H.R. 17872 and H.R. 17873 by the House. Both bills were recommendations of this committee which I supported then as I do their counterparts today.

While the Senate, in its wisdom, did not enact those bills last session, the action of the House did lead to an additional \$50 million from the Appropriations Committee conferees—\$5 million more for the regular school lunch program, and \$5 million to reach additional needy persons with special emphasis on needy children.

Because of this action, another 1.7 million schoolchildren who need free or reduced price breakfasts or lunches will be getting them for the first time this school year. Thus, where we had funds to provide this assistance to 2.5 million schoolchildren, we now will be reaching over 4 million.

There are still another 2.5 million children who also need free or reduced price lunches or breakfasts, but who will not get them this school year. With the funding and authority provided in the bills under consideration by this committee, we will continue to serve the children we are reaching today with better nutrition, and can reach those next year who are beyond our help today.

The breakthrough which the 1.7 million increase in children receiving free or reduced price lunches represents began with the hearings before this committee last May into the problems of hunger and malnutrition among America's poor.

I was privileged to testify at that time, and I would like to report now on the progress achieved since then, and recommendations to sustain this progress not only in the child nutrition programs but also in the family assistance programs—the food stamp and the community distribution programs.

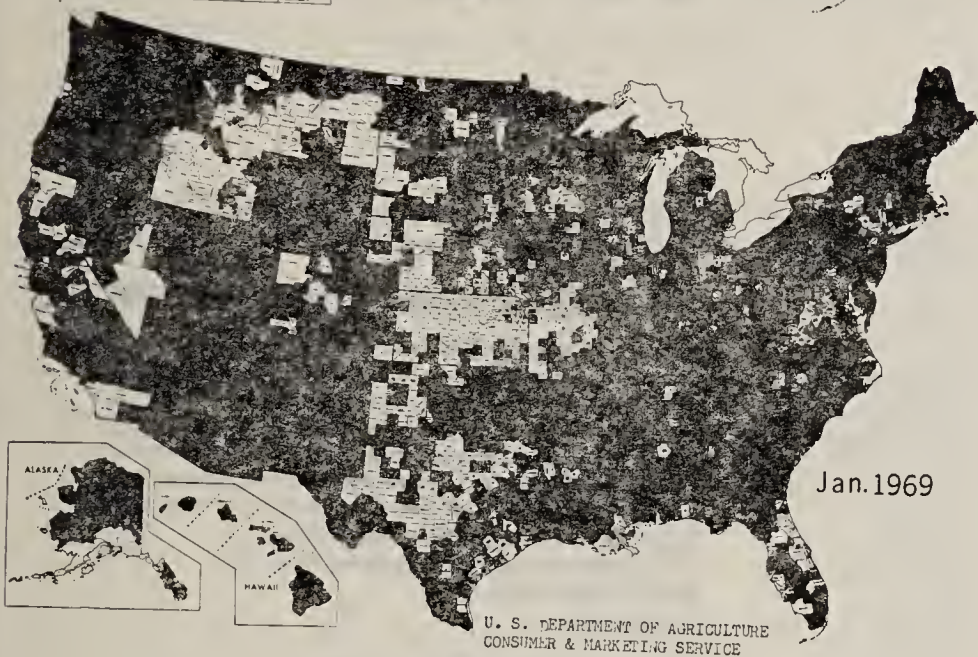
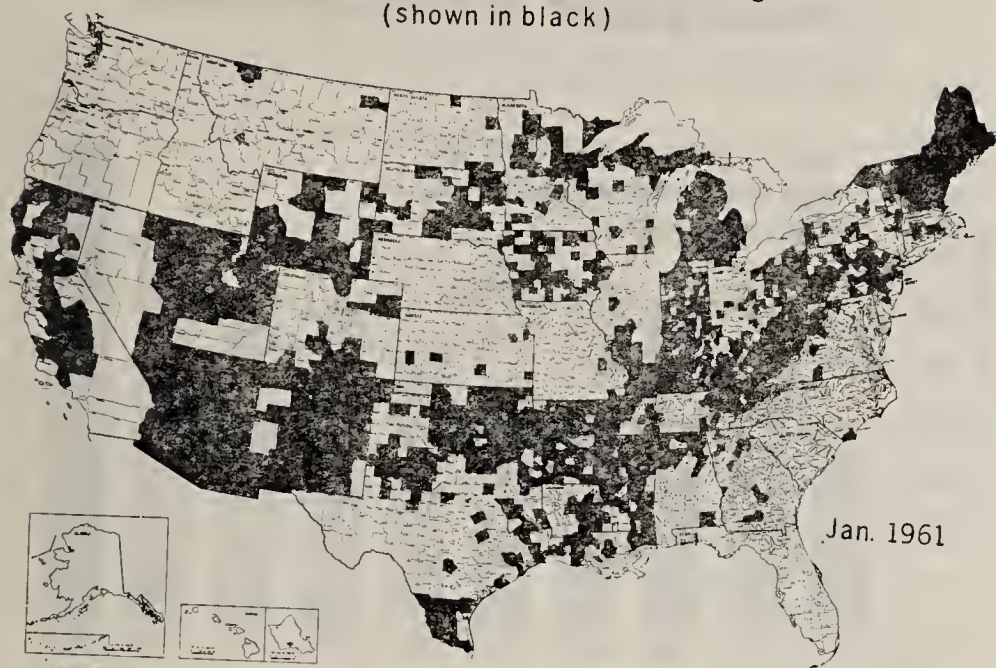
Last May we were nearing the conclusion of a project to bring a food assistance program to each of the counties which ranks among the 1,000 with the lowest per capita income. Our target has been the more than 330 of these counties which did not have a food assistance program.

Recognizing that Congress had authorized the food stamp program as a joint Federal-State effort—and the commodity distribution program had always been operated on this basis, I went to the Governors first, and then sent my people to talk with their State counterparts to enlist their support. We told them we would, if necessary, assist these counties to meet the administrative cost of the commodity distribution program. Then, together, the USDA and State staffs went to local government boards, councils, and commissions to get their support and cooperation.

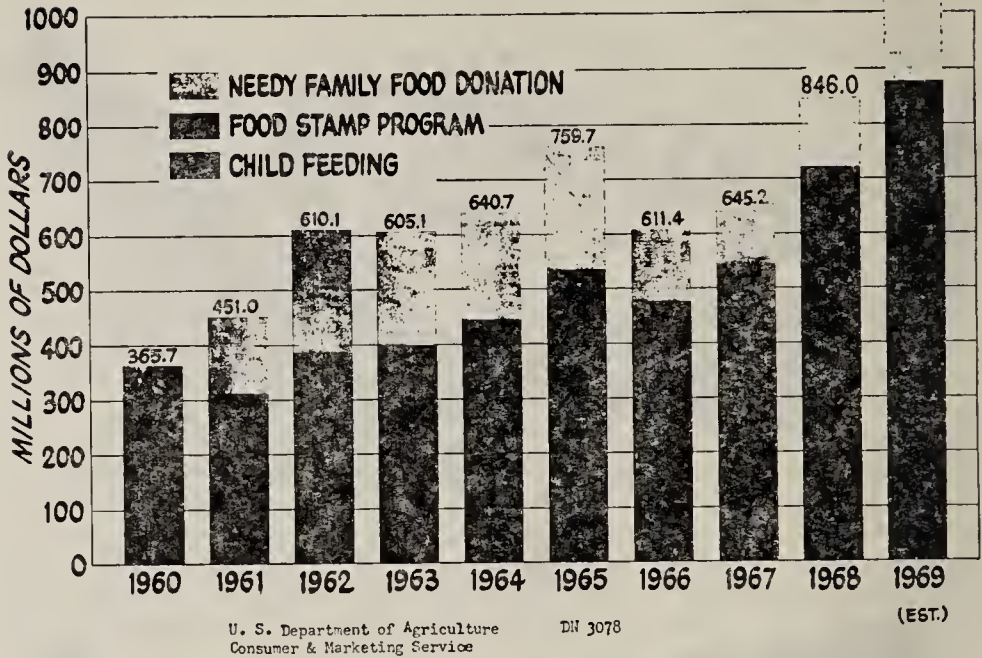
It was, and is, a hard, leather burning, often frustrating business; but it is the only way to make the Federal system do the job of serving people. And it doesn't always work perfectly. Of the lowest 1,000 income counties, after all the routes of State and local persuasion were exhausted, and over 180 counties had accepted the offer of help, I was left with no option but to operate a commodity program directly in 49 counties. Otherwise, the poor in these counties would not get the food assistance they clearly need.

We are now left with about 480 counties and independent cities where no food assistance program is available. Many of these are among our wealthiest counties, and most of them lie in the Plains and Mountain States of the Middle West. The question now is how do we get them into the program? I have been working for the past several months on a plan to bring a food assistance program into all the remaining areas. So long as one person is hungry and cannot afford the food he and his family needs, then all of us, singly and together, share a responsibility for his welfare.

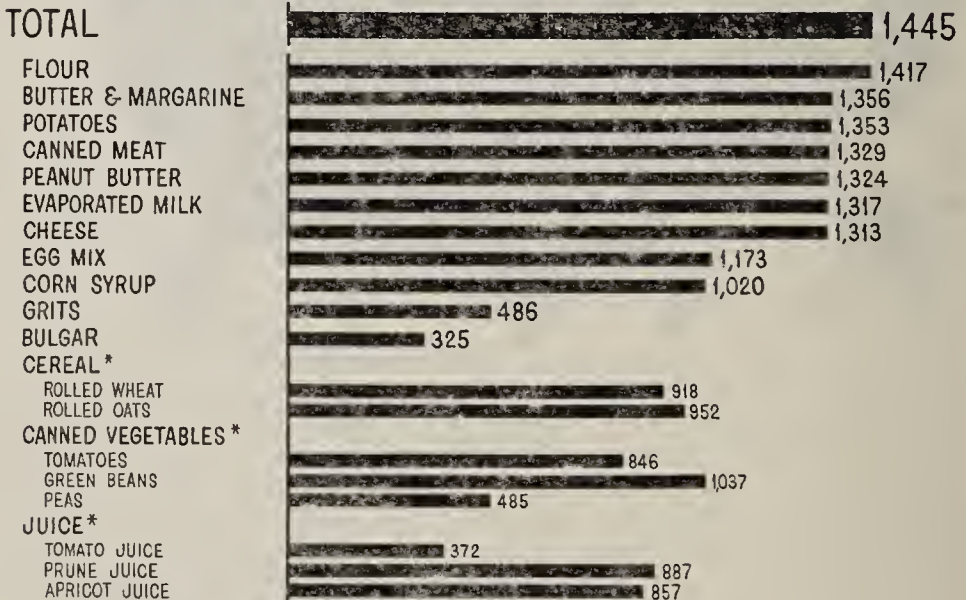
Counties-Cities Operating Family Food Programs
(shown in black)



PUBLIC FUNDS IN FOOD ASSISTANCE



AGENCIES DISTRIBUTING COMMODITIES



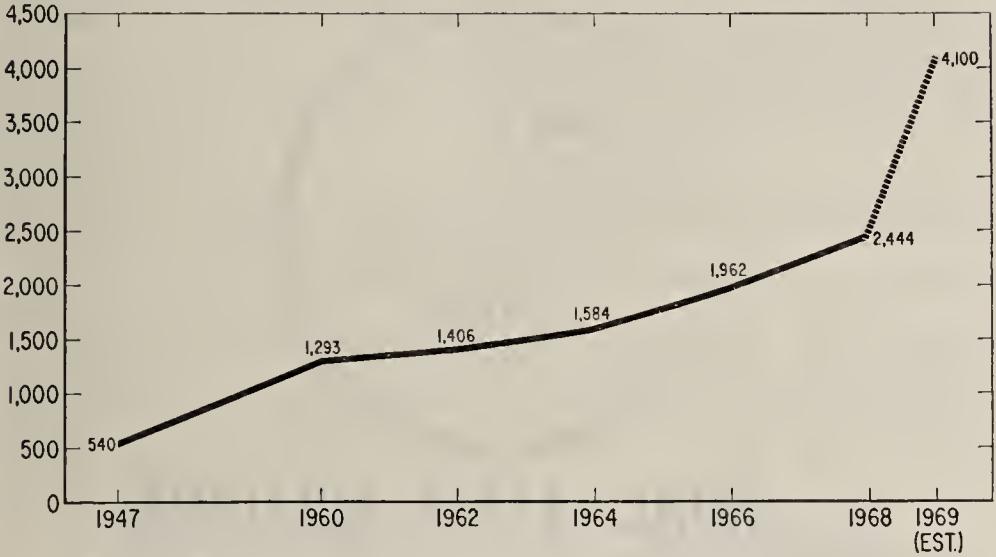
* COUNTIES RECEIVE ONE OR MORE PRODUCTS LISTED

U. S. Department of Agriculture
Consumer and Marketing Service

DN 3079

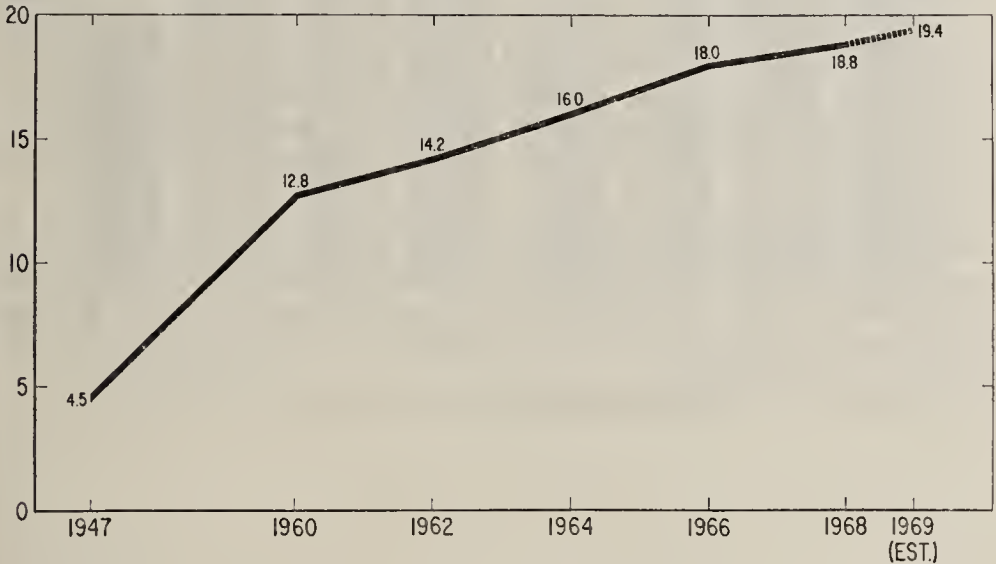
* NATIONAL SCHOOL LUNCH PROGRAM- FREE OR REDUCED PRICE LUNCHES

THOUSANDS OF CHILDREN

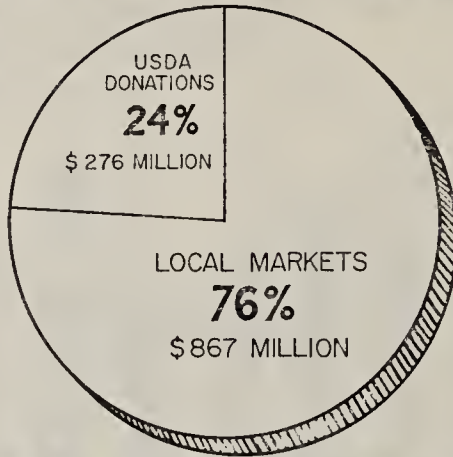


* NATIONAL SCHOOL LUNCH PROGRAM PARTICIPATION

MILLIONS OF CHILDREN



SCHOOL LUNCH- WHERE THE FOOD COMES FROM*



TOTAL \$1,143 MILLIONS

*FISCAL YEAR 1968

In developing a plan to give complete coverage to the family food program, I have been reluctant to supplant local authority. I also have felt it is hardly appropriate to reward those who have denied assistance to the poor by offering to pay the administrative cost of operating the commodity program. If we do that for the more wealthy counties not in the program, the likely reaction of the other counties which have been willing to pay the cost of administration will be to demand similar treatment.

Considering all of these restraints, I have under consideration a plan to share local administrative costs with all counties, or with States where these programs are operated by the State, on an equitable basis. It calls for a sliding scale that will provide a range of payments, 20 percent to over 90 percent, depending on the number of persons in households with poverty incomes and the per capita income rank of the county.

To be eligible for this assistance, each county will have to submit a proposed plan of operation, detailing such facts as the number of commodities to be distributed, the number of distribution centers to be established, special distribution plans—such as truck delivery for the elderly and disabled, and special procedures for certifying eligible families and individuals.

Such a cost-sharing plan would, we think, help to reach the localities

not yet in the program and provide uniform guidelines to strengthen the program all over the country. It will go far to assure that low-income families in this program will receive all of the 22 commodities we now offer—and which can provide an adequate diet in nearly all respects.

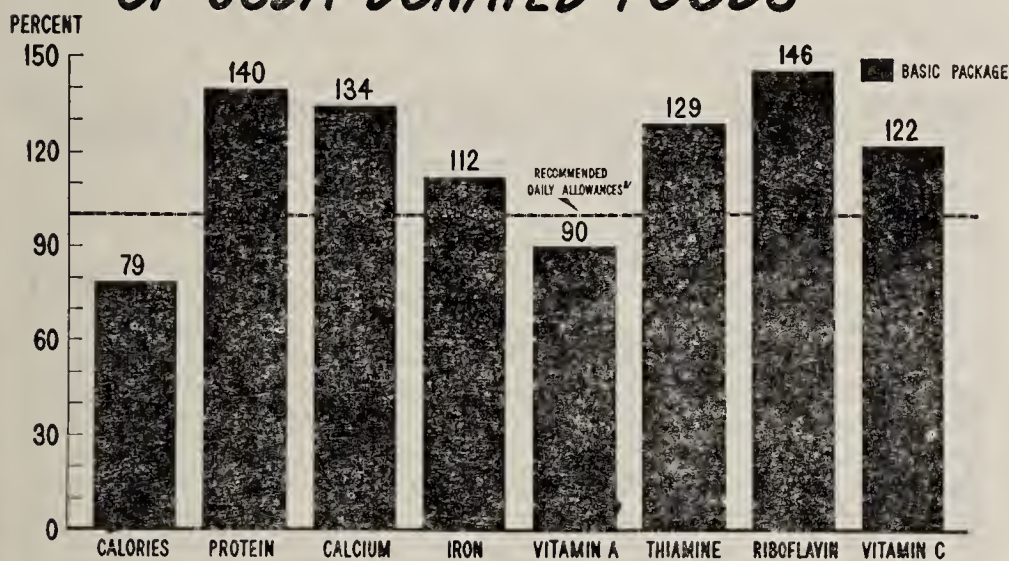
Might I say, Mr. Chairman, by way of comment on the direct distribution program that you can see before me on the table here two groups of commodities. On the right side you see five commodities that were distributed 8 years ago when it was my privilege to first be named Secretary of Agriculture. These are the staples and their nutritional value is relatively low.

You can see on the other side of the table 22 different food items that are distributed today. It includes a vastly increased diversity, and by and large constitutes adequate nutritional level.

The CHAIRMAN. According to nutrition experts this is a well balanced diet?

Secretary FREEMAN. Yes, sir. I could illustrate that, Mr. Chairman, by taking a look at a chart that we have here. The red dotted line on that chart indicates an adequate nutritional level as set by the Nutrition Council. The green bars represent the different elements that make up the nutritional package.

NUTRITIONAL CONTRIBUTION OF USDA DONATED FOODS //



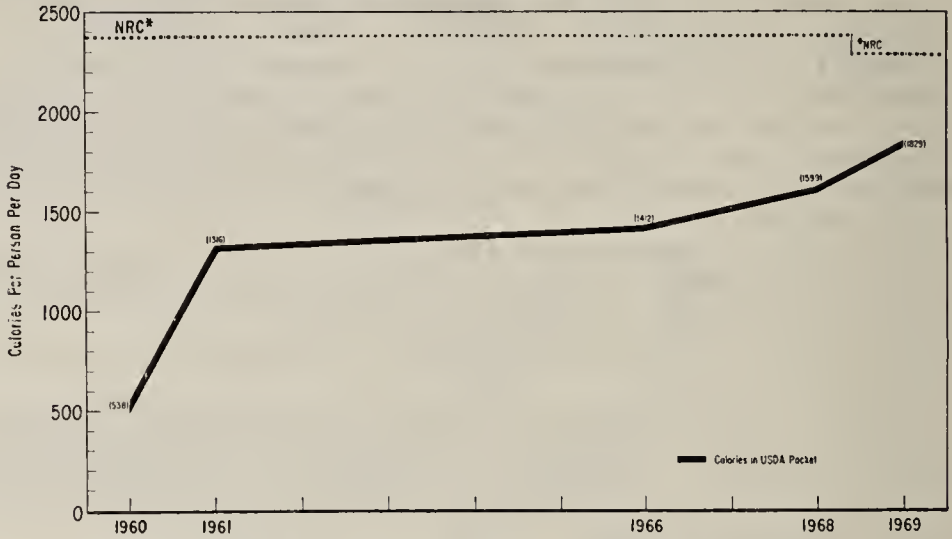
// BASED ON USDA RECOMMENDED DISTRIBUTION RATES FOR ONE PERSON PER MONTH IN A FOUR-MEMBER FAMILY

// NATIONAL RESEARCH COUNCIL RECOMMENDED ALLOWANCES BASED ON ONE PERSON IN A FOUR-MEMBER FAMILY CONSISTING OF PARENTS IN MID-THIRTIES, BOY 11, GIRL 8.

U. S. Department of Agriculture
Consumer & Marketing Service

DN 3080

FOOD ENERGY SUPPLIED BY USDA-DONATED FOOD FOR FAMILIES[†] *Calories Per Person Per Day*



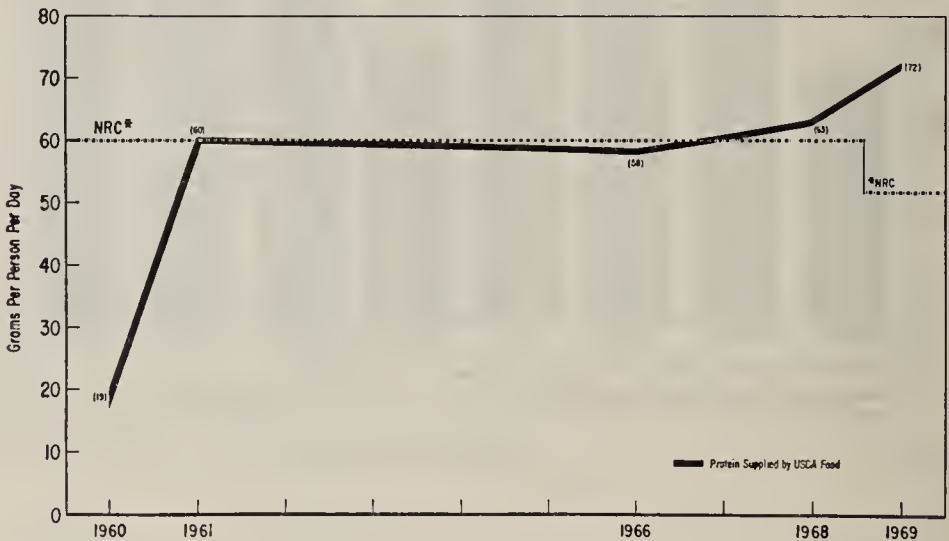
[†] If accepted and used at USDA's recommended rates

* National Research Council recommended daily dietary allowances for food energy based on a four member family. New standard established July 1968

U. S. Department of Agriculture
 Consumer & Marketing Service

DN 3082

PROTEIN SUPPLIED BY USDA DONATED FOOD FOR FAMILIES[†] *Grams Per Person Per Day*



* National Research Council recommended daily dietary allowances for protein

U. S. Department of Agriculture
 Consumer & Marketing Service

DN 3084

You will note that in most instances we exceed the nutritional minimum levels and some exceed it rather substantially, and only in a few are we below. So if this program is now used and if people actually do get these commodities and if they are able to prepare them adequately, the people on this program today will have adequate nutritional diet.

The CHAIRMAN. Have you made a greater breakthrough in recent years of getting a balanced diet, all the commodities available, delivered to the recipients?

Secretary FREEMAN. Yes. There has been significant progress but we cannot yet say that every county is actually distributing what is available. There are a number of counties that have not yet tooled up, shall we say, to the level where they can actually and are taking and distributing what is available to them.

The CHAIRMAN. Go ahead.

Secretary FREEMAN. We have been equally vigorous in efforts to improve the food stamp program. We have in the past 2 years (1) reduced the price of stamps for the very poor from \$2 a month per person to 50 cents, with a family maximum of \$3, (2) reduced the cost the first month for a new family by half, and (3) instituted over 20 other administrative reforms—ranging from a new certification procedure for families with seasonal income to allowing States to deliver stamps by mail without being held liable for loss.

Last month I announced another large-scale revision in the purchase requirements and bonus levels for food stamps. Essentially, the action lowered the cost of stamps for families with incomes of \$70 or less a month, and increased the bonus amount to provide a greater level of food purchasing power than before. About 500,000 persons will benefit directly from these improvements which become effective in February and March.

The reduction in the purchase price reflects only part of a planned revision I had to cancel at the last moment after the Congress appropriated only \$280 million this fiscal year of a \$315 million authorization. I was prepared to carry out a broad revision of the food stamp purchase schedule in every income category. These revisions were based on a special task force survey which was begun by the Department almost 8 months ago. The task force, reviewing a number of studies—including the just completed 1965 food consumption survey, concluded that low-income families will spend less for food than we had assumed if their food expenditure pattern is considered over an extended time period. We are presently conducting additional studies to define these patterns more precisely. Our review, together with our program experience, indicated that month after month most of the poor would be able to allocate about 24 to 33 percent of their income for food, depending on family size.

We were prepared to reduce the purchase requirements had the Congress appropriated as much as it authorized.

In the future, the food stamp program should be extended to all areas, replacing the commodity distribution program. The cost of stamps should be reduced and the bonus levels should be increased to provide a food allowance fully adequate to meet the nutritional needs of those who are eligible. All it will take to do this are appropriations by the Congress.

In addition, a number of legislative modifications should be made to further strengthen program administration. These include the establishment of national eligibility standards based on income, and provision of authority for the Secretary to operate programs directly if local authority refuses or fails to meet decent standards of administration.

In addition, a number of legislative modifications should be made to further strengthen program administration. These include the establishment of national eligibility standards based on income, and provision of authority for the Secretary to operate programs directly if local authority refuses or fails to meet decent standards of administration.

Before concluding my discussion of the food stamp program, I wish to clarify one point which I believe has caused a great deal of misunderstanding. The legislative intent of the Congress in establishing this program was not to create a general relief program but—as specifically and clearly stated in section 7 of the act—a program to put food into peoples' bellies. So that money regularly spent on food would not be used for other purposes—even such basic essentials as medicine or shoes—the Congress specifically required that those who participate in the program must pay in what is determined they normally spend for food to receive food stamps. Until the Congress changes or modifies that requirement, any President or Secretary of Agriculture must by law require cash payment for bonus stamps.

Last May I also reported we were reaching about 2.5 million children with free or reduced price lunches through the school lunch program, but we estimated that from 6 to 7 million children should be receiving them.

The measure you enacted to correct this gap, as I have said, did not become law; but to the everlasting credit of this committee and its distinguished chairman, your efforts did bring forth \$45 million more to give better nutrition to children who most need it.

In the light of the legislative history and the clear intent of Congress, we allocated the funds as follows:

Sum of \$43 million has been apportioned to the States for use in reaching needy children through school food service. Rather than telling the States they could use a specified amount for free or reduced price lunches and a specified amount for the breakfast program and a specified amount for equipment, we apportioned the funds in line with the formula your legislation contained, and asked the States to advise us of their plans for the use of this money.

State and local needs vary greatly. A number of States, particularly in the Southeast, have long since provided their schools with the equipment and facilities for food service. The great need there might well be for funds to increase the number of free or reduced price meals at noon or expand a breakfast program. Major urban areas, however, often provide little or no food service in the downtown elementary schools. They have no equipment and no place to put it. By adding a few pieces of basic equipment in a secondary school, they could provide food service to satellite neighborhood schools. In this kind of situation, the schools need a package—some equipment, some transport service plus funds to help underwrite the meal cost for those youngsters who can't pay the going rate.

This money—this \$43 million—will bring in some 1.7 million children for whom a meal at school otherwise would have been too expensive.

Our reports are starting to roll in from the States and from the cities, and they indicate an excellent start:

In Providence, R.I., 49 schools are receiving extra assistance and the number of free and reduced price lunches is up by 1,000 a day. In Philadelphia, six inner-city schools have come into the program because of this money and they are serving around 2,000 lunches a day. In Wilmington, Del., three schools are now serving 600 additional free lunches a day. Gary, Ind., expects to get a food service program into every school through the use of these funds.

In Portland, Oreg., 22 schools are serving free lunches to an additional 2,400 children a day. In Wichita, Kans., some 4,600 children in 11 schools with no food service will be offered lunch for the first time.

Kentucky intends to provide free or reduced price lunches to 60,000 additional pupils enrolled in national school lunch program schools plus breakfast for 20,000 children in 250 schools. Detroit plans call for providing a food service to 70 schools in the target area presently without such service. In New Orleans, the lunch charges in a number of needy schools have been reduced from 20 cents to 10 cents, involving some 16,000 children from low-income families. In Cleveland, 26 breakfast programs are to be opened, and plans call for opening a centralized kitchen operation to serve 18 inner-city schools with an estimated participation of 7,000 children.

We are using \$1 million of the \$45 million to strengthen State administration of school food service. Support for this need is long overdue. It was authorized under the Child Nutrition Act of 1966, but the first penny had never been appropriated. It takes time, expert advice, and technical assistance—and administrative funds—to move rapidly to bring school food service to the hard core poor schools. We allocated a basic grant to each State which requested it, and said that additional funding would be based on a plan justifying the need for additional help.

The final \$1 million is being used to bring a supplementary food package to new and expectant mothers and very young children in food stamp areas. We are using section 32 authority and funds to do this job in areas with the commodity donation program. The supplementary package includes such foods as evaporated milk and corn syrup for an infant formula plus an iron-enriched instant cereal and certain additional protein items for the mother. The program was developed in response to concern about the more nutritionally vulnerable groups in the low-income population—groups we often cannot reach through child nutrition or family assistance programs. We operate the supplemental food assistance in cooperation with health officials in OEO and HEW through health clinics, hospitals and medical centers serving the poor. We provide the food, and medical personnel at the clinic determine which of the items is needed by the woman and her young children. There are now 60 programs in operation, and the number is growing rapidly.

While I have stressed thus far the importance of funding, I am also very much aware that success in the child nutrition programs also rests

on a strong cooperative effort among Federal, State, and local government—in this case the local school districts.

We also have been concentrating on these problems. We are finding workable solutions to strengthen our joint operations. Last year, acting on the recommendations of a Federal-State school lunch workshop sponsored by the Department, I issued new regulations requiring each State to develop guidelines and each school district and child care institution (1) to develop and publish policy statements for determining the eligibility of children for free and reduced price lunches, and (2) to develop procedures to insure that children who receive this assistance are not singled out or subject to ridicule.

All States have now published these guidelines, and I anticipate that by early February most school districts also will have criteria prepared and published. In this way, everyone will know the rules by which the money Congress appropriates will be used to help feed hungry children.

I also am publishing an amendment to the school lunch regulations which will enable school districts where large numbers of schools do not now provide lunch or meal service to experiment with the use of food management companies to provide food service. Currently, about 9.5 million children attend schools where meal service is not available. Most of these schools either are in the inner city, the ghetto communities, or in remote rural districts. They lack space for lunchroom facilities, and generally serve a group of children who are most likely to benefit from the lunch program. More than a million will be eligible for free or reduced price lunches.

The problems of reaching the inner city schools have received a great deal of attention with the Department in recent years. Two years ago, we launched Operation Metropolitan, a program designed to focus additional manpower and technical resources on the inner-city school systems. It has produced some notable successes, but it is a long-range answer to an immediate and pressing need.

Last summer, once we knew that we would in all likelihood have more money for child nutrition programs, I directed that an approach be developed to see if we could “leapfrog” the time-consuming and expensive procedure of equipping inner-city schools with extensive kitchen and service equipment.

During this past summer and fall, working first with State officials and then with representatives of food management companies, we developed a series of prototype contracts which school districts could use to employ the food service capabilities of the commercial food management firms.

The first and major consideration was the type of contract that would keep the management and administrative responsibilities firmly in the hands of the professional school lunch supervisor. But I want to see if the job of preparing, transporting and serving meals can be contracted out. If the availability of meals—the key roadblock to food service in these hard-to-reach schools—can be overcome with the help of commercial firms, then we can reach our goal in a shorter period of time.

Our present plans are to line up about half a dozen school districts in urban areas to participate in this experimental approach. I know

there has been considerable criticism of this proposal on the part of the professional school food service people, but I believe we will be able to demonstrate that this experiment will prove out to be one more tool for reaching more children. We will be operating in a fishbowl—as always—and I know the skeptics will be watching every move. I welcome their scrutiny because they are dedicated professionals concerned, as we are, with the welfare of children and maintaining the integrity of food service programs for children.

Considering the gap which remains between the good intentions we express and our ability to carry them out, I do not believe any approach should be excluded arbitrarily. In cooperation with the Department of Housing and Urban Development, we are launching comprehensive community food programs in five model city projects, with special emphasis on child nutrition programs. We are encouraging more school districts to experiment with prepackaged meals which can be served quickly with minimum investment in kitchen equipment. I would also like to see experiments tried with publicly owned inter-district food service units where one central facility would handle food purchasing and preparation and delivery services for all schools and child care activities in several districts. I believe real economies of scale can be achieved in the purchasing, preparation, and delivery of meals even as school food service is improved.

Early last year I also requested the USDA Land-Grant College Joint Committee to develop a research and training program for school service personnel at Federal, State, and local levels. I now have their report and I am taking steps to carry it out.

Briefly, the committee recommends regional seminars to provide continuing education for State and local food service professionals; regional centers for graduating training to increase professional competence in nutrition education and the several aspects of program administration; more research in food service programs; development of an associate degree program in junior and community colleges; and establishment of an Educational Materials Center in the Department of Agriculture for instructional materials in training food service personnel.

This program will provide the foundation for continual improvement in the professional capability of those working in the child nutrition programs.

Based on the greater availability of funds to reach needy children, I have also revised our school lunch regulations to offer schools with high concentrations of needy children a choice of two options that will increase the amount of funds they may receive to help feed these children.

As you can see, we have been busy—we have moved—we felt we reached a breakthrough point last year and we used it to establish momentum.

We need H.R. 515. We need it if we are to carry out the recommendations I mentioned above for training of food service personnel and outreach in nutrition education.

We need the revised matching formula to bring State tax dollars into the school food service programs. If there is to be a sound basis for program expansion, the States—all of them—should assume some

share of the financing. A few States now make such an input, but most do not. They rely instead on meeting the matching requirements through children's payments for the lunch. I believe the gradual scale of increasing State funding which this bill requires is a sound and equitable one.

I recognize also that the requirement in the bill for each State and school district to publish eligibility standards for free and reduced price lunches has been set out in program regulations. Some may say this provision is not needed. I would welcome it, however, as an indication the Congress is as intent as the USDA to feed the hungry child.

If this bill—H.R. 515—is enacted, I believe this Congress can say in good conscience the legislative framework to reach children with improved nutrition is complete.

With reference to the second measure, H.R. 516, the kind of money that bill carries is essential to the goal we have set in the child nutrition programs. If we don't get it, not only are we going to disappoint the 2.5 million children we still need to reach with a free or reduced price meal but also we will take away the meals from the 1.7 million children added to the program this year. State and local governments have moved rapidly and in good faith to use the additional \$43 million. Failure to continue and expand the program can only result in greater reluctance of the States to give their support to the goal of reaching every child with a lunch or breakfast—to say nothing of the cynicism which will be generated if States are asked to contribute funds to programs Congress will not support.

In the time remaining I would like to review with you the President's budget for 1970. It carries requests totaling \$406.5 million for feeding children. This will all be in the form of cash grants with the exception of \$64.3 million for the purchase of food to help schools meet the nutritional requirements of the type A lunch and \$3.8 million for Federal administration for these programs. In addition, we expect to make available almost \$240 million in donated foods to schools and other eligible child food service programs.

Some of the funding for these programs will be from direct appropriations—some from section 32. We are, for example, requesting a continuation of the \$50 million from section 32 that was carried as an amendment to the Department's appropriation bill last year.

I would like to outline for you a comparison of the budget requests for fiscal year 1970 with the funds allocated for this fiscal year for child food service programs. For the regular school lunch program—\$168,041,000 in 1970 compared with \$162,041,000 this year; special assistance for lunches served in low-income area schools—\$111 million in fiscal 1970 compared with \$43,600,000 this year; school breakfast program—\$11 million in fiscal 1970 compared with \$6,500,000 in fiscal 1969; equipment assistance for low-income schools—\$15 million for 1970 compared with \$7,150,000 this year; assistance to day-care centers and other nonschool activities under the Vanik bill enacted last year—\$20,500,000 in 1970 as compared with \$5,750,000 this year; grants to strengthen State administration in all the child feeding programs—\$2,800,000 in fiscal 1970 compared with \$1,750,000 this year.

The budget proposal will provide sufficient funding to provide free

or reduced-price lunches to all children who need them, as we can best estimate those needs at this time. It also proposes to make full use of the section 32 funds which will be newly obligated under the 1970 budget.

Thus, some may argue that the budget as proposed will accomplish all that is intended in H.R. 516. I believe, however, that both are necessary. The States, if they are to embark on a program at the level proposed in the 1970 budget, need the assurance that the program will continue for more than a year. The families whose children will receive a better diet also need the assurance that the program, once begun, will continue.

H.R. 516 will provide that assurance. If the appropriations are adequate to meet the goal we have set out, then the Secretary will have no need to call on the authority proposed in this legislation. If they are not, then the funding will be available to meet the need which is clearly there.

I also recognize that some will protest that obligating section 32 funds in this manner will diminish their availability in case of emergency situations which could develop in some commodity areas. I see no problem in this regard. Rather, with the expansion of the school lunch program and the commodity distribution program, we have a substantially expanded market for food commodities, and will be able to handle any emergency situation with greater ease today than in earlier years.

Finally, I would like to address myself to a question which my distinguished Cabinet colleague in the Department of Health, Education, and Welfare has raised about the food assistance program.

It goes without saying that this program, so important to so many people, should be administered and carried forward in the place where it can do the job best at the least cost. That is the criteria to be followed. I am sure that this committee and the Congress will apply that criteria very perceptively. Secretary Cohen has indicated that there are programs that should be removed from the USDA and placed in a new agency within HEW. I have not had the opportunity to discuss this proposal with Secretary Cohen—

The CHAIRMAN. May I interrupt you to state that he stated this morning it was not an official study, just his own personal view. Now, go ahead. We are interested in your views on that.

Secretary FREEMAN. I feel, therefore, I should place my views on the record, and I believe I should do it in this fashion. No one can accuse me of empire building or empire breaking, although if there has been some prejudice I am sure this wise committee will make due and appropriate allowance for that—

The CHAIRMAN. We don't have that extra money to go out and set up the procurement and distribution of commodities. We just don't have it.

Secretary FREEMAN. I think you have put your finger on a very key problem, Mr. Chairman.

The major objective we have pursued is to insure the food assistance programs reach those who need this help. Over the past 8 years we have developed this capacity at the Federal level—and we have identified the key roadblocks which exist at the State and local level, and

have developed the techniques which are being successfully applied to overcome them.

In the process we have come to realize the essential character of the supporting services within the USDA, but not available directly in the consumer food program area. As a practical matter, we rely on other divisions and other agencies to forecast supply conditions, to handle all the myriad details of purchasing, to establish standards and insure they are met—in effect, the development of an effective Federal program rests on a complex system, as complex as the food marketing system itself.

The Department of Agriculture has been in this business since World War I when it began the mass distribution of food as part of foreign relief programs. It has carried on ever since then, served that same function during World War II and subsequent programs since. It, of course, administers the food-for-peace—food-for-freedom program, utilizing this kind of operational know-how and the complexities that are a part of the food-marketing system are a part of, and understood by, this traditional and longtime operating system.

Further, as we have progressed in the delivery system, we also have become aware of the need to provide more knowledge about food and nutrition, and the need to create individual incentive to obtain better diets. As a matter of fact, it would be my considered judgment that the delivery of food would be the easiest part of eliminating hunger and malnutrition. The hardest part is going to be to develop a program of nutrition incentive and education. It is not going to do very much good to lay down these 22 commodities that incorporate an adequate nutritional diet in a home or a place where the homemaker doesn't know how to use them. I might add parenthetically that the homemaker may not have the place to store them for the period of time which they are designed to serve. So to that extent, of course, what we are really talking about is not a food program, we are talking about a poverty program. Neither the incentive nor the know-how exists where the real hard-core poor are concerned, today. This aspect of the problem is going to be long in solving, but I think it is not insoluble. We have now begun this effort to directly attack it. We have been working on it for a long, long time. There are some 4,000 to 5,000 depending on your definition, professional homemakers, home economists within the Department of Agriculture. The difficult thing has been, as I have said, upgrading our nutrition. They have not successfully reached down, on a mass basis, to the hard-core poor, who you have to go out and get, who do not read the literature, do not come to the meetings and, unfortunately, whose incentive level is very low.

So as of a few months ago we have launched through the cooperative Federal-State Extension Service a special program targeted for this subpoor group. Programs are now underway in 48 of the 50 States and actually will soon be underway in the remaining two States. In this way nutrition education is closely coordinated with the food assistance program, and both guided by the same hand. What we are doing is getting the Extension Service to use the homemakers that they now have, currently are paying and using, to redirect their efforts to training people as subprofessionals, from among the ranks of the poor themselves. These subprofessionals then go out and train directly the hard core poor that we have not reached effectively in the past.

Mr. Chairman, I speak, I believe, based on the evidence and with every effort at impartiality to suggest the food assistance programs would be administered better within the Department of Agriculture than any proposal I have seen within any other Department.

The CHAIRMAN. Well, I don't think there is any serious move to change the administration to the Department of HEW, when they would have to use the State relief and welfare agencies, where you now utilize them.

Secretary FREEMAN. That is correct.

The CHAIRMAN. In addition to that, we would have to be provided the hundreds of millions of dollars to procure commodities and distribution. The know-how and the knowledge that you have from years of experience will not be discarded by such a move. Especially will this not happen as long as we have a Secretary of Agriculture who really tries to serve the needs of the people. I want to take this opportunity to compliment you for your great service, the way you have expanded the food service programs over the period of departmental leadership. I think the Nation owes you a tremendous debt of gratitude. The criticism that we found last year with existence of nutritional needs in many areas was attributable to Congress' failure to provide the Secretary with the funds necessary to do the job. I think the Congress realizes that presently. I am pleased with your progress considering the limited funds and I think the people all over the Nation appreciate it.

Now, at this point I would like to discuss the budget with you a moment and see how far from here we need to go at this time to expand the food service programs in order to serve the most needy in the country.

If I interpret the figures correctly so far as the total food services, including school lunch and the food stamp program, direct distribution to institutions, you have budgeted and have spent most of \$1,233,332,000 for the past year.

Now, for the school lunch program this present year we have appropriated the sum of \$623,085,000 and for fiscal year 1970 you have budgeted I believe \$20,630,000 more, bringing our total to \$643,715,000. If I am analyzing these figures correctly, I note under the school lunch program you are transferring from section 32 in your 1970 budget, \$168 million, and for the special assistance, \$20.6 million from section 32. This is about the only differences that I see that have taken place.

Now, assuming that the Congress will appropriate the amount requested, and the way you have it budgeted, the \$643,715,000 for child feeding programs this next fiscal year, how much additional money will you need to take care of these hungry children that you have described?

Secretary FREEMAN. Well, if the Congress appropriates as we have now set forth in the budget and the additional funds are forthcoming, we will be able to reach the number of children, it is our best estimate today, who should have a reduced price or free school lunch.

The CHAIRMAN. You mean if they appropriate the \$643,715,000; is that correct?

Secretary FREEMAN. That is correct.

The CHAIRMAN. Mr. Quie, do you want to ask him a question at this point?

Mr. QUIE. Mr. Chairman, I have a little problem with the figures you are citing.

The CHAIRMAN. I understand he has to leave at 3 o'clock or shortly thereafter.

Mr. QUIE. We will have our meeting half hour after the House adjourns. So as long as somebody is over there talking we don't have our meeting.

Looking at the budget message, I see a substantially higher proposal for 1970 than that which you quoted. The figures I have here are \$665 million, 1969 estimate, and \$956 million for 1970 estimate. Maybe first we could get it cleared up as to what figures we are talking about.

The CHAIRMAN. The figures that I have for fiscal 1969 are \$623,085,000 and an additional \$20,630,000 for fiscal 1970.

Mr. QUIE. Maybe the Secretary could explain the discrepancy here.

Secretary FREEMAN. I think what is involved—and I don't have a budget document before me and actually have not studied the final wrapup of these figures—but what has been done is that there has been a redirection in terms of the special milk program which may be the cause of some confusion. Some of that program, with the exception of the free milk for the needy and very low-income children, is diverted into the school lunch program for those who need a free lunch or a reduced price lunch. So the net addition in the total child feeding programs is \$20 million, \$20,630,000. But in terms of the child feeding programs themselves or the school lunch program itself, the increase has been a little in excess of \$100 million. That might be the cause of some of the confusion.

Mr. QUIE. Why is it that you are proposing, then, to eliminate the special milk program? I see that the budget figure is about \$104 million.

Secretary FREEMAN. Very frankly, because a considerable percentage, the great majority of that does not go to needy children. It is not targeted in. If my children or your children in school want, there is available milk during the course of the day that they can and should pay for, and they ought to get it not at the expense of needy children who need a free school lunch. It might be desirable to have both, but we live in a finite world with budget problems and are forced to set priorities, and this is one of them, and it is not the first time it has been presented to the Congress, of which you are fully aware.

Mr. QUIE. Yes. I was wondering if you wouldn't expect the Congress to react the same way as before.

Secretary FREEMAN. I will observe that with very great interest. I will also observe what happens in the next budget that the new President sends up, in connection with it. I am personally persuaded thoroughly of the merits of it. It would be my judgment, and I weigh this carefully, that this is not going to have an adverse effect on the dairy farm income. It is going to be kind of a shift of the demand in considerable part. As such, I frankly do not feel that the dollars spent for the special milk program to the extent that it goes to children who can afford to pay for it are dollars well spent when we are not spending all that is needed for children who need a free lunch.

Mr. QUIE. You don't expect we will pick up that \$104 million, then, in the milk program or commodity program, or the equivalent going into storage?

Secretary FREEMAN. No, I don't think so. I don't think so. You are an expert on the dairy picture and as of now the overall dairy situation is in pretty solid condition. The import thing is under reasonable control. We have seen a gradual slowdown in production; our consumption has been holding and creeping up just a bit; prices, as you know, in the last 2 years increased by 25 percent. I think in the overall the state of the dairy industry is the best that it has been in maybe 20 years.

Mr. QUIE. How much of that \$104 million do you think will be picked up then in food programs for needy children?

Secretary FREEMAN. Well, it is terribly hard to tell because it is going to depend on the amount of milk that these children actually consume and the lunch formulas in various places. Milk is an integral part of each of these lunches. To the extent that you have increased another 2½ million the number of children coming in and those children are going to have probably not half a pint but perhaps a pint of milk with their lunch, it is going to be pretty close to balancing itself off in terms of total quantity consumed.

Mr. QUIE. The other thing I was curious about: In your testimony, and throughout the years you have been Secretary of Agriculture, I believe you have supported the food stamp plan eventually taking over the food distribution program and the direct distribution program finally being phased out.

Secretary FREEMAN. That is correct.

Mr. QUIE. This year in the budget I see that there is a proposal—the figures, as I read the information sent to us, show an increase in the food stamp plan from \$273 up to \$338 million.

Secretary FREEMAN. That is correct.

Mr. QUIE. Does that jibe with yours?

Secretary FREEMAN. Yes.

Mr. QUIE. And that the direct distribution is going to increase from \$263 to \$385 million. Now that is a larger increase than food stamps, from the information as I read it. Now what is the reason for that?

Secretary FREEMAN. Well, the States have not all been willing to follow the food stamp route and we have been working to improve, to streamline the administration and improve the levels in the food stamp program so that it will become more desirable and more States and counties will move in that direction. I think if we could reach the goal that I have set out here of somewhere in the neighborhood of 25 percent as a maximum required to put in stamps, and you could increase the food bonus very substantially up to minimum levels, why, there would be immediately around the country a demand across the board.

Mr. QUIE. I understand you are going to do that, you set February 1 on the charts you have here as to when you go to the minimum standards for everyone, even those with low income; is that correct?

Secretary FREEMAN. No; only within what the appropriation has been. Only within what the appropriation has been.

Mr. QUIE. It says if the income, monthly, is zero to \$29.90, while currently the person would receive only \$48 worth of stamps, the family, at February 1 will jump to \$58.

Secretary FREEMAN. This is the chart you see here. But still the amount of pay-in is still more than it should be, but we did decrease

the amount of pay-in, as you can see. I think someone with an income of zero to \$30 per month, they stay the same. When you get up here, \$30 to \$40, they have to put in \$10 and on February 1 they put in only \$8. They will be getting this month \$42 and next month \$50. But that is not nearly enough. We could only go as far as those people who have an income of \$70 per month or less. So this food stamp program simply needs to be liberalized on both ends, the pay-in should be decreased and the bonus stamp should be increased.

Mr. QUIE. Are you going to put that into effect so that the poorest people, the ones who only pay \$2 for a family of four, or 50 cents each—

Secretary FREEMAN. That is in effect now, as to the poorest family.

Mr. QUIE. You mean instead of the \$46 bonus or \$48 total, they will now receive a \$56 bonus or a \$58 total?

Secretary FREEMAN. On February 1; right.

Mr. QUIE. On February 1 it is to go into effect?

Secretary FREEMAN. You see, that is based on the current fiscal year budget.

Mr. QUIE. Now if that is going to happen, and undoubtedly it will cost more money to do it that way because any time you give them an increased bonus it is going to cost more money—

Secretary FREEMAN. That is correct.

Mr. QUIE. I can understand why you need the increase from \$273 to \$338 million, but I can't see the need for the increase on direct distribution, if you are now phasing it out. We still have not changed the law to permit both food stamp and direct distribution in the same county. I personally would like to see that happen. It will enable us to reach more people that way because I see that the number of people in a county who benefit from a program is reduced when you go into a food stamp plan.

The CHAIRMAN. Will the gentleman yield?

Mr. QUIE. I would like to get a clear picture of why an increase in direct distribution is needed with your policy as it is.

Secretary FREEMAN. Because we have increased the number of food items. Therefore, the cost of providing those food items is greater. There still are well over a thousand counties that continue in the direct distribution program. Most of them want to move to food stamps and many of them will. Some under the current comparisons will not, for various local reasons. While this transition takes place we have not felt that we should maintain a direct distribution program that is short of adequate nutritional levels so we moved that up to an adequate nutritional level and are going to hold it there. Even so, we are confident that the food program is to be preferred, and particularly these counties will move to it more rapidly when it has become more liberalized.

Mr. QUIE. How long do you think the increase in direct distribution will continue, then? If the next Secretary of Agriculture followed your policy when would we expect the budget to come in with reduc-

tions in direct distribution costs coupled with an increase in food stamps?

Secretary FREEMAN. I think if this Congress appropriates the authorization of \$340 million for the food stamp program so we will have an additional \$75 million that we can then use to liberalize the food stamp schedule, that you will then see an increasing movement from direct distribution to food stamps will reflect itself on the commodity distribution.

The CHAIRMAN. Will the gentleman yield?

Mr. QUIE. Yes.

The CHAIRMAN. I think I ought to point out here the criticism, which I think is justified, is the cost of food stamps. Will you explain how and why the Department makes these determinations?

Secretary FREEMAN. In part we, in complying with the law, as you are fully aware, the people submit what will be spent. The initial estimate of the percentage spent in various parts of the country in different income levels, after future survey and analysis, proved to be high. Therefore, in accordance with the law, we are in the process of lowering that, but obviously we can lower it only insofar as we have funds to pay for it unless we can sell the program in some counties where it already exists which, as a matter of policy, we decided not to do.

The CHAIRMAN. This is additional funds for the needy?

Secretary FREEMAN. What we would do for the additional 75 million called for in the budget would be to liberalize all the way across the board on the amount of payin required down to what we have now determined to be the levels of expenditures by the people in those income groups for food now in the program.

Mr. REID. I would like to welcome you here and to extend my compliments on what you are doing in trying to expand this program. I do have one question on the point we are discussing. First, by way of background, there are some figures that indicate upwards of 500,000 Americans have no cash income whatsoever and, second, there are some groups, including representatives of the poor, recently in Washington who instituted suits in Federal court on the ground there are some 500 counties where they had access to neither food commodities nor the food stamp program.

My question, very simply, is (a) what about those with no cash income, and (b) is there not a fairly persuasive case for the point the gentleman from Minnesota made, that in some cases both programs could operate together usefully? In any event some members of our committee feel that the commodity program is more beneficial than the food stamp program where we are talking about the really hard core poor.

Secretary FREEMAN. That is a three-part question I think as it now stands.

We have not found that really as a practical matter there are people who cannot pay 50 cents a month to qualify under this program. I just take that as a matter of fact, that there just are not people in this coun-

try who cannot raise or do not get their hands on 50 cents a month, or cannot get it from somewhere, from relief or friends or something, to pay 50 cents a month in order to get food stamps. So I really do not accept that statement as a practical matter, and there are a host of administrative reasons and some policy where we have felt you should maintain a very nominal minimum as a matter of sound public policy. No. 1.

No. 2, it would be our considered judgment, after operating the program for some time, that you would have confusion compounded administratively to try to run both programs in the same county. We have had a terrible time to get many counties to take on this program at all, and there is a lot of them that would like to get rid of them. There is a lot of sentiment against it. You would have people shuttled back and forth from one program to another, all kinds of confusion, and inevitably overlapping, and would begin to give ammunition to critics of this program and get yourself in a first-class mess in trying to run two programs in the same place.

Thirdly, in putting programs in some 500 counties that do not have them, I suggest to this committee and to the Congress a formula that I think would be worth a try. I for one have hesitated very long before I have gone in and forced a program on a county when the elected officials said they did not want it.

We live in a federal system, we should try to make it work, and I for one believe in it and I do not like to do that. But I finally did in about 50 counties among the thousand poorest counties, where I did not think there was any justification, where there was evidence of very strong extreme need, and we went in and operated the program against the protest of local leaders. I do not like that.

The other 500 counties are in a higher income bracket. I have not done this and as far as I am concerned. I do not think I would do it short of a clear-cut expression by the Congress they wanted it done.

I think among the 500 counties there is a sound rationale and I believe the Congress has not received an undue amount of criticism. There are elected officials of counties that have written me some rather strong letters, but I believe smiled when they were written in most cases. So I filed them in a particular file drawer and have gone about my business.

If you went much further I think you would get down to this, and I think as a matter of judgment not a sound thing to do. I think all we have to do honestly, and all the Congress needs to do is vote some money. The machinery is in place, the distribution program. Of course there is a rapid falloff when you go to the food stamp program, but that does not go for people in the lowest income groups. They stay in the program. People on the margin of qualifying, say people, to use a \$5,000 standard, who make \$2,800, those are the people that drop off because they do not want to put in the amount of money they have to put in to get stamps, and they are getting the direct distribution without having to pay out anything. So they have been able to substitute that almost entirely and use their food money for something else.

I am not necessarily against that, but the intent and purpose of the food stamp program, as you are aware, is otherwise.

Mr. REID. Just on that one point, the representatives of the poor I talked to from some 20 counties said it had been their experience, either in the counties where this had occurred, or in areas they are familiar with, that the transfer from the commodity program to the food stamp program hurts the hard core poor and they were the ones most directly affected.

I think in some studies we have made in New York, again it would be those who have virtually no income that would be affected the most by the transfer. And is there not a case for the continuance of the commodity program particularly in light of the evidence from the hard core poor themselves who state they have to put their limited funds at times into medicine or shoes? Similarly, the commodity program is preferred in the instances where they are out of work for a week or two.

Secretary FREEMAN. I think you are couching your question in terms of should there be a minimum subsistence program to meet people's total overall needs, but you are saying let's give free food and then allow that money to shift to other purposes, which in effect you do in the direct distribution program.

Mr. REID. Yes.

Secretary FREEMAN. So you can go either way.

In my judgment, in the long run for a host of reasons, in the interest of the poor and the interest of good administration, in the interest of efficiency so you do not duplicate your food distribution system, the food stamp plan is infinitely superior. For a number of people, as it stands the direct distribution may very well be superior because they could then substitute their funds for other purposes. In the long run that is really a total approach to the poverty problem itself and I think we ought to have an effective food program and to meet that program, if you sweeten up this program, in effect it becomes more desirable.

Finally, I do not think that the studies will bear out what you said. I think the people that fall off when you shift are not really the hard core low-income people. Some perhaps, but a greater percentage will go over I think for obvious reasons.

Mr. REID. Thank you. I thank the gentleman from Minnesota for yielding.

Mr. QUIE. What happens if you do not get as much money as you expect? Who loses out on the chart for February 1.

Secretary FREEMAN. We have got this money. This has been appropriated.

Mr. QUIE. You have that?

Secretary FREEMAN. Yes.

Mr. QUIE. We do not have to worry about those low-income people going back to \$10 less?

Secretary FREEMAN. No; this is going into effect in February under what has been appropriated. Of course, if the Congress does not appropriate enough to that level, we would have to do something for the next fiscal year.

FOOD STAMP PROGRAM

Issuance Schedule (South)

FOUR PERSON HOUSEHOLD

MONTHLY NET INCOME	CURRENT			FEB. 1		
	PURCHASE	BONUS	TOTAL	PURCHASE	BONUS	TOTAL
\$ 0 - 29.99	\$ 2	\$ 46	\$ 48	\$ 2	\$ 56	\$ 58
30 - 39.99	10	42	52	8	50	58
40 - 49.99	16	40	56	12	48	60
50 - 59.99	22	36	58	18	42	60
60 - 69.99	26	34	60	24	38	62

U. S. Department of Agriculture
Consumer & Marketing Service

DN 3085

Mr. QUIE. That [indicating the chart] says "in the South." You still have not extended this to the rest of the country?

Secretary FREEMAN. That is all over the country.

Mr. QUIE. The word "South"?

Secretary FREEMAN. That is the schedule. We have a North and South schedule. This is the South schedule, but the same thing is done in the North on the North schedule in the comparable income level groups.

Mr. QUIE. Why do you not let each of them receive the same amount total? If \$62 is what a family of four needs, why not bring them up to the \$62 level even for the lowest income? The disparity was really severe before. Under the part where you say "current", one that is now going into effect February 1, you bring it closer together. Why not bring it right up to the same amount, \$62?

I know the last time you felt the poorer people were going to, I guess, turn their stamps in for something else.

Secretary FREEMAN. Appropriations. I think all of these should be up significantly more to meet total minimum subsistence requirements.

Mr. QUIE. I recognize that they possibly all ought to be up. Why do you not, on each of those five groups of income, come out to the same figure?

It seems to me that the family of four who has zero to \$30 has worse nutrition needs. Why not bring them up? I cannot believe that poor people are more dishonest than not so poor people.

Secretary FREEMAN. Let's put it this way: that the eating habits and the food consumption levels for people in the lower income groups are significantly less than in the higher income groups. They tend to consume less sophisticated, let's say tend to get food that is not as expensive, perhaps not as processed as the rest. So we have had a schedule in

accordance with this on the road, as it were, where we hope to get where it would be a minimum nutritional level for everyone. So the time will come, and I think your point is well made, assuming that they can handle it and will, then the minimum standards ought to go to everyone regardless of income group, but the experience has been if you did that, if you suddenly take a family spending \$50 a month for food and give them \$100 worth of food stamps, you are going to create some problems because they are not going to automatically use that additional \$50 for additional food. If they do they are going to start getting some exotic items that is going to bring criticism on them and on the program, and in many cases they are going to have leaks of those stamps into other uses.

Mr. QUIE. Because of the time, Mr. Chairman, may I ask a few questions here and let me do it quickly?

Secretary FREEMAN. Mr. Lenard, who is the administrator of this program, has just added something that I think the record should show here, when he said the plan really had been that, and if the appropriation had matched the authorization that in this instance we would have brought all of the group you see up to the \$64 level across the board, and we just did not get that kind of appropriation. So in this instance, among this group we maintain the degree of gradation as existed before.

Mr. QUIE. Still then, what bothers me, is why did you cut back on the poorer people more than the ones who were not quite as poor? If everybody was going to get \$64, that one group up there gets cut back \$2 for their total, and the poorest of them got cut back \$6.

If you had the full amount of money, and that did not bother you about the poor people not knowing what to use the money for, and they might have bought some exotic foods, then why do you feel now they would do it? In fact, last year, Mr. Secretary, in listening to your testimony, what caused me the greatest concern was the fact that the poorest of the poor received the largest bonus, the total food available to them under the food stamp program was substantially less, as you see in the other charts.

Secretary FREEMAN. I share that concern. Of course we could have taken that amount of money in this group and divided it up and had the same number for all. Maybe that would have been the better way to do.

Mr. QUIE. I think that would have been better.

Could you put in the record the other schedule, the authority schedule?

Secretary FREEMAN. Yes.

Mr. QUIE. Another part of your testimony indicated that you are considering food management services especially in center cities where it is too expensive to put in their own service. There was strong objection to that last year when it was even talked of around here. I think somebody thought I was going to put in an amendment and I got visitors from all over saying that was a bad thing.

Secretary FREEMAN. I have been getting them since.

Mr. QUIE. I found out it was not the law but the guidelines of the Department of Agriculture. And then some people who were interested in feeding individuals and were not concerned—evidently there is a

public and private food controversy as well as a public and private power controversy in this country I was not aware of. But they said why not use whatever service you possibly can get in there, the most important thing is feeding the children, and evidently that is what is motivating you now.

Secretary FREEMAN. That is correct.

Mr. QUIE. What happens to a State like New Jersey, which comes to my mind, which has used food management services although they have not been subsidized by the Department of Agriculture as the program run by the schools have? Would they then be able to qualify, or are you only talking about special instances in ghettos where they have not had any food service in the past?

Secretary FREEMAN. We are starting out in that area, a very modest, very carefully planned program which with some pilots we are watching very closely. You are absolutely right, there is a strong emotional feeling about this and it is true, as the program has grown up, part of the philosophy has been this is a public and not a private program, and there was some attitude it could be exploited for commercial purposes, and if a profit motive were in any way involved, it would have an adverse effect on the children. This does not necessarily follow.

We are going about this very carefully. We have consulted widely with the school service people, and there is growing support for some experimentation. The professional leadership on this, as is often the case, is kind of holding back, representing the greatest majority of constituency in resisting change, but I see nothing to be lost and lots to be gained by testing under carefully controlled circumstances.

The initial target will be to reach those places where there are no programs. If this works successfully, then where the program is now adequately and effectively run I expect the local people themselves will begin to care, they are putting their tax dollars in it, and decide how they are going to get the best for their children, and I think that will develop along the way so we can demonstrate, as the results demonstrate, the efficacy of the suggested changes.

Mr. QUIE. It will be interesting to see what comes of it. I am glad you are trying some experiments in order that, if there is any change to be made in policy it will be based on studies that give the grounds for it rather than trying to attempt it on a large scale basis.

In the first part of the questioning of the chairman, he asked you about Secretary Cohen's ideas that perhaps the food program ought to be transferred over to HEW. I can understand why the direct distribution program should be controlled and operated by the Department of Agriculture, and it might be difficult and expensive administratively for HEW to get into it. However, in the food stamp programs, since the welfare departments in the counties are involved in determining which family is eligible or not for food stamps, it seems to me HEW is already involved in it to a substantial extent.

If they took it over, I do not understand why this would be more expensive at all for the Department, or why there would be any duplication. There may be reasons other than just the efficiency of the program, too, for wanting to transfer it.

Secretary FREEMAN. What it would be, if you are operating one program of course the same personnel are operating both programs.

Our C. & M.S. people who are operating these food programs operate all of the programs and are used overlapping and thereby their services are used more completely.

Mr. QUIE. You are talking on the Federal level, not on the county level.

Secretary FREEMAN. But we have got them out in the county. We have people out there working with the local people in connection with food and these various standards of administration. This program has grown up in this Department proper, but the same people that may be working on food stamps in the next county might very well be working on direct distribution programs as long as we have both.

I would just say, and I really think it is a matter of comparison, if this program is not being well and efficiently administered in the Department of Agriculture, we welcome anyone's scrutiny.

If you take a look at HEW and see they are operating some programs related thereto more efficiently and effectively and get a better return, I expect you will make that judgment. But to just move programs around because, if I may say so, the Department of Agriculture has gotten to be a bit of a target in the last year, and this is just an action taken to show there has been some action does not make much sense.

My only plea is there should be a reason for doing it outside of a lot of vague ideas about something that may or may not exist.

The statement there is a conflict within the Department of Agriculture in connection with this just is not true. Quite the contrary: these programs complement each other and save the taxpayer money. There is no conflict of any kind in connection with it.

The appropriation for the food stamp does not affect the appropriation for the commodity programs. They travel completely different trails.

Mr. QUIE. There is a difference to—

Secretary FREEMAN. There would be more conflicts and more competition for the like dollars in my judgment in HEW than there would be in Agriculture because there would be more welfare programs per se oriented that are scrambling for an equal number of dollars. So if you are interested in the food program you are going to get a better one, in my judgment, where it is.

And finally, it has been my experience that a great many people in the social workers fraternity—I do not say this in any way disparagingly—do not like these programs, they believe in cash awards, no kinds.

Mr. QUIE. Let me say this, Mr. Chairman. I think there is a conflict in the Department of Agriculture, and I expect there would be a conflict in HEW, and perhaps there are conflicts wherever it might go. Maybe OEO could give the impression there were not any conflicts for a while anyway, but I would see the conflict in Agriculture, the fact it is pretty well conceded that the motivation behind originating these programs as a way to get food out to people to eat and the main responsibility is to get the food consumed and the farmers a better income. And this was a motivation behind direct distribution more than the food stamp program. That came into being more from the desire to feed hungry people than direct distribution.

However, you brought up the conflict in HEW that the best stamps or best script probably you can give people is what you print down to the minute.

Secretary FREEMAN. Right.

Mr. QUIE. There are many who feel very strongly we should not give them something specifically for a commodity, but they should have the freedom to decide how they are going to use the money, and I imagine those who believe in the guaranteed income or negative income tax might have gone all the way to that extent.

Secretary FREEMAN. That is correct.

I would suggest maybe there is not a conflict. You said a conflict. It is a supporting role. If we get into a situation where we have a big orange crop and the price of oranges is dropping precipitously, in order to support prices on it we move this and buy up x million dollars of oranges and then move it out through this program. They are getting more in that fashion than they would have gotten otherwise.

Mr. QUIE. How do you do that if you do not have direct contribution and depend on food stamps?

Secretary FREEMAN. You would not if you relied exclusively on food stamps, you are right.

Mr. QUIE. That is why some of us with a little agricultural interest as well hate to see direct distribution programs eliminated, Mr. Chairman.

I yield to you.

The CHAIRMAN. Mr. Secretary, let's proceed on the food services in the budget.

If I analyze the budget correctly, how much in addition to \$643 million do we have for the school lunch program, if any? I never have gotten that clear, Mr. Secretary.

Secretary FREEMAN. If I might make reference to my testimony, Mr. Chairman, in connection with this, if the bills that you have introduced here are enacted and funded, we will then have adequate resources to reach every needy child.

The CHAIRMAN. I am driving at this point. Suppose the next administration cuts this budget back. To make my case I have got to have a minimum figure that will be necessary to enable us to feed these hungry children.

Should we have the \$100 million in addition to the \$643,715,000?

Secretary FREEMAN. The \$643 million we have now represents an increase—I am using round figures now—\$50 million on top of the \$50 million this committee authorized last year, or the Congress authorized last year, for an increase from an earlier base of \$100 million plus.

It is our judgment that if this amount that is now in this budget, which is the same roughly as the amount that is in your bill, Mr. Chairman, if this is made available it is our best judgment we will be able to reach with a free lunch the children who need it. If this budget is not increased by the Congress or if your bill is not enacted into law as funded, we will not have adequate funds to meet that need.

As I said in the testimony, I would like to see both and we can travel either road. If your bill passed, we would then be able to fund for that level of the section 32. In effect you are releasing section 32 funds that could be used for this purpose and it would not be necessary to have an

authorization every year, which is an advantage in terms of long-term continuity if you follow this. In the absence of that, we would of course have to have an appropriation each year as is customary.

The CHAIRMAN. Now the amount you have in the budget for the family feeding programs, would you feel that that amount is adequate to take care of the hungry people in the Nation?

Secretary FREEMAN. Yes, we will be able to fund out the funds available in section 32 under the family feeding program as distinguished now from food stamps. We will have adequate funds.

Actually, we do not need yearly authorization for that purpose. All we need under present rules of the game is that there is enough money there from the import duties that flow to the Treasury.

The CHAIRMAN. You are increasing the food stamp program \$340 million. Why is that \$340 million figure necessary? Clarify that.

Secretary FREEMAN. Because that is the authorization. Very frankly, I would hope that authorization would be significantly increased.

The CHAIRMAN. You mean above the \$340 million?

Secretary FREEMAN. Yes.

The CHAIRMAN. Does it need to be increased, the authorization? If so, why?

Secretary FREEMAN. You cannot really appropriate—well, you can appropriate without the authorization, and in this instance, until the authorization—there are two steps.

The CHAIRMAN. Do you really need more than \$340 million?

Secretary FREEMAN. Yes; we do, clearly.

The CHAIRMAN. For the food stamp program over the Nation?

Secretary FREEMAN. I would like to see the Congress this year appropriate for that program a billion dollars.

The CHAIRMAN. Suppose the Congress appropriated \$500 million. How would you spend the \$160 million extra, assuming you get that?

Secretary FREEMAN. Do three things. First, expand the program rapidly to additional requesting counties which we cannot do now because we do not have the money.

Secondly, we would decrease the requirements by way of the pay-in. We would increase the bonus in terms of the availabilities.

The CHAIRMAN. Does that need to be done insofar as the poor and the hungry people are concerned?

Secretary FREEMAN. Yes; in my judgment, it does. The food stamp program should be significantly liberalized.

The CHAIRMAN. What if the Congress only appropriated \$300 million, what predicament would you be in?

Secretary FREEMAN. We would do the best we could. We would take the additional \$20 million and divide it up according to the best formula we could devise.

The CHAIRMAN. Now, Mr. Quie mentioned the direct distribution figure increase of \$91,348,000, bringing the figure up from \$258 to \$350 million by direct distribution. In how many of these 475 cities where you do not have a good service program of any type, or communities, will you be able to utilize direct distribution?

Is that one reason you are increasing the direct distribution to take care of the communities in the Nation where we do not have a food service program?

Secretary FREEMAN. Yes. It would have two purposes and at best it is an estimate as to how fast they will go. It is kind of a horseback guess.

There are a number of counties and cities that do not take all 22 commodities. We are urging that they should. Obviously, when they do that, it will cost more money. There will be other counties not in the program that will be coming in. If we put into effect the formula that I recommend to this committee, that will presumably bring in more counties. So this is an estimate.

But you see in that program which is under section 32 we make an estimate for budget purposes. If our estimate is wrong we can go further because we are authorized to spend, at least by law—assuming that the Bureau of the Budget will permit it—we are authorized to spend as much as we have.

The CHAIRMAN. You are proposing to increase the expenditure under section 32 by \$67 million. And therefore, utilizing \$210 million for direct distribution from section 32. Is that necessary?

Secretary FREEMAN. Yes; it is.

The CHAIRMAN. And under section 416 of your Agricultural Adjustment Act, it would be \$140 million. An increase of \$32 million there is necessary?

Secretary FREEMAN. Yes.

The CHAIRMAN. Why is that necessary?

Secretary FREEMAN. It is a different system of funding that traditionally has been followed and as such it involves essentially the purchase of different commodities that are funded in a little different pattern.

The CHAIRMAN. Mr. Secretary, I have several questions that I would like to get into, but I will not take too much more of your time.

What progress are you making in the issuance and implementation of standards and procedures for determining the eligibility of children? I know we have a bill here that provides it. I think you have made tremendous progress in the last year; is that correct?

Secretary FREEMAN. The regulations, after very careful review with the local school people, have been drafted, they have been issued. To our best judgment they are being put into practice all over the country and the response has been good and it is going forward in what we think is a good time.

The CHAIRMAN. You referred to nutritional training at the State level. What progress is the Department of Agriculture making in that area?

Secretary FREEMAN. We have in the mill, so to speak, and this will require some funding as I made clear, and your bill will support that funding, a very comprehensive, long-range program which was the product of an exhaustive review by the Federal-State land-grant college people. As I have outlined, it will call for degrees in some of the junior colleges, for refresher training, and for a stepped-up training preparation program to elevate standards and administrative effectiveness all across the line.

The CHAIRMAN. Outside of the comprehensive hearings we held last year on the school lunch program, have you or your Department made any specific study as to whether this program can be improved or ex-

panded for the needs that are not now being met under the school lunch program?

Secretary FREEMAN. Yes. We have tried to do a number of things. There have been several meetings, reviews with the school-operating people in the lunch programs themselves. There has been a number of surveys to determine the effectiveness of this program in operation. We have had the study just referred to with the land-grant colleges.

At this point I think we have just about studied it to death and we are anxious to get some of this into practice.

The CHAIRMAN. Would it be feasible under any set of circumstances for HEW to operate the school lunch program since so much of the food comes from direct commodity distribution for the school lunches?

Secretary FREEMAN. In my judgment, I think it would not be. They would just have to set up a structure here that would be duplicative in nature, very substantially so, and I think it would increase costs and I think it would create considerable confusion across the board. It is my judgment I would not consider it a good policy.

The CHAIRMAN. You now have the personnel to procure and deliver the commodities, which you have been doing for years. Would not a transfer of these functions take millions of dollars additional that really needs to be expended for food for hungry people? Would this not to, in a sense, paralyze the program for some time to come?

Secretary FREEMAN. I would say that is I think an accurate statement.

The CHAIRMAN. Mr. Pucinski?

Mr. PUCINSKI. Mr. Chairman, I want to welcome the Secretary here and at the same time bid him farewell in the excellent job he has done as Secretary of Agriculture. We have had the great privilege of hearing you many times before the committee. I recall well when you first testified when we had hearings on the poverty program, the enormous contribution you made at that time toward a better understanding of this problem of adequately feeding the people of the country.

Mr. Secretary, I am grateful to you for the service you have rendered. I do not believe the American people really realize what a huge contribution people like you, who come here and take jobs as Cabinet members, make to America. I think we have a tendency to somewhat mistreat the men who make this sacrifice and it is an enormous sacrifice. You do not walk out of this job a rich man, I am sure. Like all of the other Cabinet members, your service has been at great personal financial loss to you but has been very rewarding in terms of achievement. It is a great privilege to have you here.

I am delighted that our chairman has arranged this hearing to give you, Mr. Secretary, an opportunity to express your views on this very, very important action. I want to congratulate you for the job you have done. You can look back over this era and, as we said a moment ago in the House Chamber about the President in paying tribute to his great administration, one of the things that Mr. Johnson was fortunate in was having people like you at his side in the Cabinet working with him. While there may be contemporary critics who sell this administration short, I think history will be much more generous in its appraisal of the record of this administration.

You people have given democracy a living meaning. You have given more people opportunity and you brought this country to a greater sense of appreciation of that opportunity than ever in the history of this country. I think as you leave your office, Mr. Secretary, you can look back with great pride at the herculean effort you personally have made. Most Americans are not aware of the fact that Agriculture is still the biggest single industry in America, produces more jobs and produces more gross national product and makes a greater contribution than any other single industry in this country. I think that your job as Secretary of Agriculture has been downgraded too often. The people have not realized the enormous responsibilities you have borne over the years as Secretary.

As we look back and we look at the state of the Union today, this country is in excellent shape simply because men like you had the courage to come before the congressional committees and fight for what you thought was right. Many a time we seemed to disagree with you, but in the final analysis the programs you brought before this committee proved helpful and worthwhile and operable. It is a tribute to you and the men and women who work with you in the Department. I want you to know that you can leave this office with your head high, standing 10 feet tall. You made an enormous contribution.

When you came into office, one of the great problems was the huge cost of dealing with our surplus commodities and we had other problems, and yet today we can look at the agricultural community of America and it is healthy and it is wealthy and it is strong and it is making a great contribution toward the fact that we are in our ninth year of continuous prosperity.

I remember when I was a young man, the great depression of the thirties started on the farm. We often forget that, but the great depression started on the farm. So the policies and the leadership that you have provided have helped this country grow great and wealthy and prosperous and healthy, and the statement you made here today indicates the never-ending progress that you have made in trying to fill the unmet needs of America.

We are going to look at the chairman's legislation with a great deal of new sympathy because of the excellent record and argument you have made here today. We are going to move forward. You have given us a great basis on which to build.

The greatest mistake in my judgment that the Nixon administration could make would be to try to dismantle the programs you people have so carefully put together. It has worked and I have a sneaking suspicion that Mr. Nixon is much too wise a man to argue with success. I think he is going to look at the programs you people put together to see if he can improve them or not. It is my judgment those programs will continue to be the backbone and basis of his own program for continued growth of America. So I really congratulate you for the job you have done. You deserve it.

Speaking for myself and I am sure many colleagues of this committee who were not able to be here today, I am sure they would all join me on both sides in congratulating you for the fact that you have tried honestly, and the fact you are always the first one to acknowledge where the programs have not worked out, when they needed revision,

where they had to be corrected. So it is a privilege to have you here.

And thank you, Mr. Chairman, for this opportunity.

Secretary FREEMAN. Thank you very much.

The CHAIRMAN. Mr. Secretary, I concur in that eulogy. I would like to ask two or three other questions.

Looking again at commodities, what are the nutritional requirements of the type A school lunch and who determines it?

Secretary FREEMAN. Mr. Lenard here with me is the administrator of C. & M.S. Why do you not set them out here? He has a good record on that very important question.

Mr. LENARD. The type A lunch requirement is that it provides from a third to half of the daily nutritional needs of the child. Those standards are developed by a nutritionist within my agency, Consumer Marketing Service, and in consultation with the nutritionist in the Agricultural Research Service and also in consultation with the nutritionist in HEW, Public Health Service, and in the Women and Children's Bureau.

The CHAIRMAN. What has been your experience in the Department with the research in the field of nutrition, and to what extent have you applied nutrition research insofar as the school lunch program is concerned?

Mr. LENARD. We are continually revising the school lunch standards as additional information is made available about nutrition and capability of a particular food. We conduct not necessarily within the Consumer Marketing Service, but within the Agricultural Research Service a continuing program of nutrition research. This is centered mostly in the food consumption survey that we do each decade—the most recent one was in 1965—where we try to determine what the food consumption patterns are of the American people and to try to determine how they are changing, and then with that kind of information we can modify and increase or change the components of the school lunch program, and also provide a great deal of information that will be useful in nutrition education work and in the nutrition education work we do in the school lunch program.

The CHAIRMAN. Has your department worked with the Extension Service nutritionists since you have had the school lunch program?

Mr. LENARD. Yes. It is kind of hard to describe all of the details of a great many kinds of activity that go on between the Consumer Marketing Service and Extension Service. Much of this is done on a State basis with the State extension service and we monitor those programs. We try to suggest a new technique or approach. But we can provide you with a much greater background.

The CHAIRMAN. That is my point. Do we have any department in HEW comparable with the Agricultural Extension Service qualified to teach nutrition?

Mr. LENARD. In my judgment, the only agency capable of doing that is the Extension Service because it is the only agency that has a field force capable of reaching people.

The CHAIRMAN. And they have had that experience for many years?

Mr. LENARD. Yes, sir.

The CHAIRMAN. Since the Smith-Hughes Act, it has been growing all the time in that area.

Mr. LENARD. Yes, sir. I think one of the most interesting elements of the nutrition education program that they are beginning now by the use of nutrition aids is that the Extension Service will be working extensively in urban areas. Most of its work in the past——

The CHAIRMAN. That is correct, has been in the rural sections.

Mr. LENARD. Rural areas. Now they will be moving in force into urban areas, and I think the result will be both striking and productive.

The CHAIRMAN. I would like to ask you about the 7 million figure. Is that the number of needy children who need free lunches? How did you arrive at that figure?

Mr. LENARD. This figure was based on the estimates of the number of children in families with income of less than \$3,000. It would also involve the number of children in families who are now on public welfare rolls.

The CHAIRMAN. Is it an accurate figure in your judgment?

Mr. LENARD. I think it is the most accurate figure you can get today using the available evidence you have, available information.

The CHAIRMAN. One more question addressed to the need for H.R. 515.

How many States of the Nation are actually making direct grants to the school lunch program?

Mr. LENARD. There are about a dozen States.

The CHAIRMAN. Outside of a dozen States, the remainder of the States are not contributing anything in the way of direct appropriations to support the school lunch program; am I correct?

Mr. LENARD. Yes, sir; you are entirely correct.

The CHAIRMAN. And in 515 we do not penalize any State but we set up in an orderly way that the States must participate commencing at a low level, and as years come along, contribute more. Should that be enacted?

Mr. LENARD. I would agree entirely with the Secretary this is an equitable and reasonable way to go about the program of financing the school lunch program.

The CHAIRMAN. Any further questions?

Any further comment you care to make, Mr. Secretary?

Secretary FREEMAN. Mr. Chairman, I want to thank you and members of this committee for your courtesy. I want to tell you it has been a privilege to appear before this committee and I hope it is my privilege once again and want, if I may be so presumptuous, to congratulate you and this committee for the progressive, farseeing legislation that has come forth from this committee over the years in which great pioneering has been done, and which I think is going to bear much fruit in the future.

In relation to the programs we have discussed here today, may I say that you have contributed enormously to breaking the kind of a road-block in connection with these programs.

The CHAIRMAN. Let me say to you, Mr. Secretary, we are going to keep up the good work that you started. We are going to try to see that the hungry people of the Nation and hungry schoolchildren receive the type of support that they should receive. No one has pioneered in this field more than yourself. The reason I took so much time last year was

because I personally knew what a great job you had done and the great service you have rendered to the poor people of the Nation at the time you were being criticized by some poor people who did not understand the true situation.

I know when we have had floods the Department of Agriculture rushed in their commodities, do not look for any welfare agency or anybody else, turn them over to the Red Cross and give the Red Cross a free hand for direct distribution. If you had any problems the supervisor was always liberal with the poor people and no individual that needed commodities was ever turned down. And I have seen the Department come to the aid and rush to the aid of needy people during the past 7 years, and anyone that understands the situation should praise you and also compliment you for expanding and liberalizing the food service programs.

We are going to miss you as Secretary of Agriculture, but as I have indicated it may be that we will be calling on you from time to time to ask you to again share with us your knowledge, your concern, and your experience with these problems. I certainly wish you well.

Thank you.

Secretary FREEMAN. Thank you, Mr. Chairman.

(Whereupon, at 3:50 p.m., the committee adjourned.)



NATIONAL SCHOOL LUNCH PROGRAMS

THURSDAY, MARCH 6, 1969

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The committee met at 9 a.m., pursuant to call, in room 2175, Rayburn House Office Building, Hon. Carl D. Perkins (chairman of the committee) presiding.

Present: Representatives Perkins, Green, Pucinski, Mink, Steiger, Landgrebe, and Collins.

Staff members present: Robert E. McCord, chief clerk; Louise Maxienne Dargans, research director; and Charles W. Radcliffe, minority counsel for education.

Chairman PERKINS. I am delighted this morning to welcome our new representatives from the Department of Agriculture here. Several weeks ago I told the Speaker and the floor leader that this little bill, H.R. 515, which passed the House unanimously last year, I would get out by the next regular committee meeting in order that it could be on the floor March 17.

They say they need business over there. This is one that has for its purpose to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the program, and otherwise to strengthen the food service programs for children in schools and service institutions.

I know the bill is not perfect, and we will be delighted to receive your suggestions.

It is most important, and I think you will agree, that we commence to place some responsibility and get the school lunch program in order to make certain that the States and local governments in the future do something in this connection, something more constructive than some of the States and some of the local communities are presently doing.

In fact, some of them are not doing anything. But at the same time, we are not working any hardship on anyone because we take several years to let them tool up and without requiring too much of a contribution to start off.

I am delighted to welcome you here this morning. I see Mr. Vanneman is back here with us. Is Mr. Hanson going to testify on this bill?

Mr. LENNARTSON. No; he will not testify.

Chairman PERKINS. You are going to testify?

Mr. LENNARTSON. I am going to testify.

Chairman PERKINS. Come up here.

Mr. LENNARTSON. Thank you, Mr. Chairman.

Chairman PERKINS. Go ahead and identify yourself and let me welcome you here. I appreciate your being here this morning.

STATEMENT OF ROY W. LENNARTSON, ADMINISTRATOR, CONSUMER AND MARKETING SERVICE, DEPARTMENT OF AGRICULTURE; ACCOMPANIED BY HOWARD P. DAVIS, DEPUTY ADMINISTRATOR, CONSUMER FOOD PROGRAMS, CONSUMER AND MARKETING SERVICE; AND SAM VANNEMAN, ASSISTANT DEPUTY ADMINISTRATOR, CONSUMER AND MARKETING SERVICE

Mr. LENNARTSON. It is a pleasure to be with you again. I have with me Mr. Howard Davis, who is the Deputy Administrator for the food areas, and Mr. Sam Vanneman, Assistant Deputy Administrator.

Chairman PERKINS. Proceed.

Mr. LENNARTSON. Mr. Chairman and members of the House Committee on Education and Labor, it is a pleasure to meet with you this morning to discuss H.R. 515, a bill to amend the National School Lunch and Child Nutrition Acts.

This measure, in its essentials, is very similar to the provisions of H.R. 17873, passed unanimously by the House last year.

I am very much aware of the extensive hearings conducted last year by this committee into the problems of hunger. Many of the recommendations in the bill before us today resulted from those hearings last year and from the recommendations made by State school lunch directors and interested private groups.

Both this committee and the representatives of these interested civic groups are to be congratulated for alerting the entire country to the shortcomings in our efforts to improve child nutrition.

The Department of Agriculture and the Administration endorse all of the major features of this bill. We believe it will go far to complete the legislative framework we need if we are to make food service programs for children totally effective.

We feel very strongly that in reaching as many children as we can with group feeding, we will move far down the road to our goal of good nutrition for all our people.

If we can reach youngsters with at least one or two well-balanced meals a day, we will have made a major contribution to the total well-being of these young people.

Although there has been much controversy about the child-feeding programs, the programs themselves are not controversial. They command almost universal support. They are recognized as the most effective, direct road to improved nutrition for children.

Any controversy concerning these programs has risen primarily from the recognition of past failures to reach all those most in need of the programs' benefits—the children of low-income families.

We intend to pursue program expansion vigorously until every needy child is assured of at least one or two good meals a day whether he is in school, a child-care center, or in summer recreational programs.

The bill before us today provides a basis for immediate and long-range improvements in the food service programs for children authorized by the National School Lunch and Child Nutrition Acts.

The testimony before this committee last year as well as the inquiries into these programs and the recommendations of both school lunch officials and private groups made it very clear that there are wide variations across the country in the problems of undernutrition among children; in the understanding of nutritional requirements and their importance; and in the actual operation of the child food service programs.

H.R. 515 addresses itself to each of these problems.

The first section of H.R. 515 spells out and clarifies responsibilities with respect to the serving of free and reduced price meals and specifies certain practices that shall not be followed because they tend to identify the recipients of these meals.

As you know, the Department has now issued guidelines to the States and has amended the child food service regulations to incorporate the substance and the objectives of the first section of H.R. 515.

The States and the school districts are now in the process of developing and publishing the eligibility standards, so that every family will know whether a child should be receiving a free or reduced price meal. Despite this, however, we would welcome congressional endorsement of this policy.

The second major feature of H.R. 515 involves appropriations and the matching provisions of the School Lunch Act. This committee has heard extensive testimony from school officials as to the need for advanced funding of education programs. The same need applies in food service programs.

Our cooperators in State and local governments face the same problems of preplanning that all educators face. It is very, very difficult for them to plan in the absence of information as to how much support will be available from Federal sources.

This phase of the bill is linked closely with the change in the matching formula for the regular school lunch program.

For many years, most States have relied almost entirely on children's payments to provide the bulk of the funds required under the 3-to-1 matching provisions contained in the present National School Lunch Act.

The program has always been viewed as a cooperative effort and that it has been with the exception of financial support from State tax sources. Relatively few States provide direct cash for program support in the schools.

We believe the matching provisions in H.R. 515 are equitable and necessary if we are to do a real job in this business of assuring sound, effective food programs in our schools.

Chairman PERKINS. Let me interrupt you and make the observation that if the present bill as written does not contain the advance funding provision, and I take it from your statement that it does not, please give us a suitable amendment and give Mr. Ayres a copy and give me a copy, and we will see that it gets in it.

Mr. LENNARTSON. We will be very happy to do so.

The next major provision of H.R. 515 is extremely important to our long-range effort to improve nutrition in this country. It authorizes nutrition training and education.

If one thing has emerged loud and clear from all the recent discussion and debate on nutrition, it is the fact that all too many of our

people are not very well informed on the subject of nutrition and its importance. This goes for the affluent sectors of our society as well as the disadvantaged.

It is plain for all to see that we have taken too much for granted in years past as far as nutrition education is concerned. We had assumed that young people were assimilating adequate nutrition education along with the school lunch.

We assumed that the why and wherefor of the type A pattern would be grasped, understood, and carried along in the postschool years by the children who had participated in the lunch program.

We assumed too much. Now we need to go to work on this. I think State school lunch officials and local officials and interested groups can come up with some excellent ideas and approaches to spread the word on nutrition.

Quite a bit has been done in years past but there has never been a coordinated, all-out drive on nutrition education and training. It is long overdue and H.R. 515 would signal the intent of Congress that this shall be done.

The final major provision of H.R. 515 includes two features: One would permit the Secretary to take a hard look at some of the competition to the balanced meal offered within schools and service institutions.

Unfortunately, children, like adults, are not endowed with the ultimate wisdom when it comes to making a sound decision on food.

It is difficult to compete with candy bars, soft drinks, and a snack-line in the cafeteria. Many State and local school lunch directors have wished that the Department of Agriculture were in a position even to say that we would take a good look at the general practices in this area.

The second feature of the final provision introduces the kind of flexibility we and the States would like to have as we move toward providing a fully adequate food service for children.

The needs of the States vary greatly—some need equipment for urban centers operations before they can even begin offering a full-scale food service; others have schools that are mostly fully equipped, but they need more money for free or reduced price meals.

Each of our categories of assistance carries its own appropriation authority and its own apportionment formula.

Down the road a bit, adequate funding of one phase of the food service programs may throw another out of balance as you move from State to State. We have just this kind of flexibility this year under amendment 25 of the Department's appropriation bill for fiscal year 1969.

We and the States have found this approach most useful and helpful. It permits the States to determine the priorities as they see them given their direct contact with the schools and the school food service situation within their borders.

In summary, we believe you have here an excellent bill—well thought through and responsive to the needs of our children.

Chairman PERKINS. Thank you very much, Mr. Lennartson, for an excellent statement.

Do you, Mr. Davis, and Mr. Vanneman, have any further comment on the bill?

Mr. VANNEMAN. No, sir.

Mr. DAVIS. No, sir.

Chairman PERKINS. Thank you, gentlemen.

Mr. PUCINSKI.

Mr. PUCINSKI. Mr. Chairman, I was wondering if we might take a few minutes here today to delve into the provisions for expanding the lunch program in those schools that do not have hot lunch or school lunch facilities.

Chairman PERKINS. Let me say to my distinguished colleague it is perfectly legitimate to put those questions but this bill is not specifically assigned to this matter.

There is another bill pending and you will have ample opportunity to delve into it.

Mr. PUCINSKI. Mr. Chairman, when the Department issues some regulations within the framework of this basic legislation we do not have an opportunity to see them as often as we like.

I am mindful of the chairman's request the other day that we might participate in more oversight activities as a committee. So I wanted to find out since I represent an area where we are very heavily engaged in industrial catering and management services, food services, how do you anticipate your new regulations are going to be working out in terms of permitting schools that do not have hot lunch facilities to contract out the service.

Mr. LENNARTSON. Could I have Mr. Davis respond to that, Mr. Chairman?

Chairman PERKINS. Yes.

Mr. DAVIS. Our present regulations as amended recently, provide for an experimental program allowing the schools to make sure of management, food management service companies in an effort to determine whether or not they can meet an unmet need that the schools themselves have not been able to meet before.

It is anticipated that there might be as many as five or six areas around the country who might want to participate in this experiment.

Our regulations provide for this through fiscal year 1970. It is hoped out of this we could get some sort of reading on just what contribution the management companies might make.

I might add one thing to this. Under our regulations as they have been enforced for a number of years, there is sufficient latitude to take advantage of all the modern food technology in providing convenient foods or perhaps privately fabricated complete lunches, so that this part is taken care of.

Mr. PUCINSKI. That is the very point I am making, and I made it before when Mr. Freeman was before this committee. Mr. Freeman was very specific in his statement that it was the Department's policy to encourage entering into contracts with private caterers where there are no facilities otherwise available.

I think one of the problems that we have had in this whole lunch program, including breakfast, in reaching the underprivileged youngsters is that we tie ourselves down with a whole bunch of unnecessary regulations and we have denied ourselves the flexibility.

Now I have in mind your regulation in which you point out that where a contract is substantially in conformity with the applicable prototype contract published in the Federal Register and in looking over your prototype contract I find that you require permission from the State Superintendent, you require all sorts of other things.

Why not simplify this whole thing? If we have enough confidence in the principal of a school to run that institution and to look over the learning needs of a thousand children or 500 children, or how many children are in that school, why not let us say that if the principal approve the standards, the contract, let it go.

What I am trying to say is why should we bury ourselves in this fantastic redtape.

The chairman has called this meeting this morning at quarter to 9 in order to move this legislation. Everybody recognizes the urgency and need of feeding young children in this country.

It would be my hope, gentlemen, that you take a look at these regulations and cut all the redtape out of them. We are only talking about feeding children. We are not talking about international treaties with the Soviet Union or something.

We are talking about a very simple thing of feeding young kids, getting the food to them.

I must say that while I commend you in the strongest terms I know how, I commend you for moving forward in this direction. I think you gentlemen ought to be congratulated for making that first step: I cannot help but feel that your prototype contract is just too restrictive, too limited.

It imposes unnecessary delays.

Now, I imagine a food caterer can work out a contract with a school principal or school superintendent or a local school board. If you want somebody to backstop the local school principal at least stop at the local school board.

As I read your prototype contract, you require approval of the State superintendent. Why, gentlemen? Will you explain to me why it is necessary to have the State superintendent in this picture?

Mr. DAVIS. I say again that as it is now constituted and as the regulations now are structured, this is an experimental program at this point.

Mr. PUCINSKI. Let me interrupt you at that point. I know this is experimental and I want to see this work. I do not know of anyone who wants to see this program work more than the gentleman presiding over this hearing.

I do not know anyone who has worked harder than you in giving this program the impetus it needs.

But even in a test program when we wrap this thing up in these huge cumbersome obstacles of red tape, a year later we look at the program and say it did not work very well. Let us make the test a very flexible device.

I do not want what I am saying here to be construed as any criticism of you. It is not. I want to congratulate you for initiating this action. But I would like you to take another look at the Federal Register, take another look at the prototype contract and see if you can weed out of that all those unnecessary roadblocks that you have in there.

Let us give this test the kind of flexibility that will give us the answers of what private industry is capable of doing in this field.

Then when we look back we are going to have a truer picture. The way it is now, with all the safeguards that you have put into this prototype contract, I must tell you if I were in the food management

service I would be reluctant to get involved in this. I know the industry is going to try.

As I say, I represent an area where we have one of the big industries in Chicago; it is food management. So I have a keen interest because many of my constituents are directly involved in this.

All I am asking you is to take another look at this prototype contract and see if you can't make it a more viable, flexible instrument for testing a program.

Mr. LENNARTSON. We will be happy to do that.

Chairman PERKINS. I want to compliment all you gentlemen for your trial run and your efforts in connection with making available this catering service.

I think you are acting wisely yourselves by this experiment because you want to know just what you are doing, you want to know how much it is going to cost over and above the regular school lunch programs, and in many sections of the country where we would not have school lunch programs this experiment may prove more beneficial.

Mr. Steiger, go ahead.

Mr. STEIGER. Thank you, Mr. Chairman.

Mr. Lennartson, I want to follow up what the chairman has said. I know when we considered this last year the question of profitmaking was very much involved; there was a tremendous amount of opposition on the part, I think, of State departments of public instruction and others, getting food management in this field.

I commend you for the step you are taking. I think it is a wise step. I hope you will keep the committee informed and give us all the information you compile on this so that when this problem arises again we will have some basis on which to make a judgment.

Refresh my memory. The matching requirement now is one-third?

Mr. LENNARTSON. Three to one.

Mr. STEIGER. In the testimony last year, Secretary Freeman was asked by Mr. Pucinski on the question of the authority the Department has to increase the Federal contribution from 9 cents to 15 cents a meal for schools which have a high proportion of children unable to pay for their lunches and for which it has been determined that financial assistance is needed in order that they can meet program requirements.

At that time, the Secretary responded by saying about 300,000 children were being served under this authority. Has that changed or do you have any information on what the number of children is who utilized under this provision of the law?

Mr. DAVIS. Under our very much increased appropriations for the program this year, a great deal of credit should go to this committee, I believe, for those increased appropriations.

We have been able to greatly expand the number of children receiving free lunches. We had approximately last year under the combined special funds, including these 300,000 children under the total program, we had something like 2.3 million children receiving free lunches.

We have every hope this year, with the doubling of these special funds from \$5 to \$10 million this year plus the transfer funds from section 32 that were provided, to reach an additional approximately 1 million children this year, perhaps a little more.

So that by the end of this year instead of 2.3 million we would be hoping to be serving 3.3 million.

Mr. STEIGER. That 3.3 million was—as I recall the figures from last year, there were something like 4 million children that would be eligible for free lunches. Is that a correct figure?

Mr. DAVIS. Our current estimate of the universe of the needy children in school that should have a free or reduced price lunch is somewhere around 6½ million children.

With the increased funds this year we will be reaching, we hope, somewhere around 3½ million.

Chairman PERKINS. Let me interrupt you, since Mr. Pucinski is from Illinois, and Congressman Erlenborn here, to welcome the Illinois Farm Bureau and several members of the Kentucky Farm Bureau.

I know you are on the Hill this morning. We hope as many of you can visit with us as possible.

Go ahead.

Mr. DAVIS. With the fund requested in the 1970 budget, we are going to do our very best and we will have funds enough to reach the balance of the 6.5 million children.

Mr. STEIGER. How much money was transferred from section 32?

Mr. DAVIS. For the school lunch program, free lunches and breakfast and equipment, \$43 million. In addition to that, there were \$5 million added to the regular program and \$1 million for State administrative expenses and another \$1 million that we are using under this appropriation language to provide additional food to pregnant and nursing mothers and small children.

Mr. STEIGER. How does that compare with the amount transferred the year before?

Mr. DAVIS. This was entirely new money this year.

Mr. STEIGER. What is the intent, if I may ask? On the bill on page 2 on means of identifying children, if this is passed and if given what you have already done by your own administrative rules, are you intending to find a way to double check on what is happening in terms of the State school districts' implementation of this provision?

Mr. DAVIS. Yes, sir; we will not only have some written plans from the school boards which are reviewed by the State but we will be spot checking those plans, also.

These are written plans submitted by the local school boards as to the methods they are going to use to insure anonymity of the children receiving free lunches. We are hoping that we can also spread the word among all schools of the ingenuity that has developed in a local school board.

If there are good procedures developed we will certainly try to see that all of this information is made available to all of them.

But we will be very definitely checking very carefully to see what is done in that area and that it is effective.

Mr. STEIGER. Is it your intention to try to obtain uniform guidelines or standards?

Mr. DAVIS. No, sir.

Mr. STEIGER. You are going to leave the flexibility at the local level so long as it complies with what the law says?

Mr. DAVIS. Yes, sir. We would hope to the maximum extent in all operations of the program within the basic framework and the objec-

tives and the guidelines and the limitations, we would hope to leave as much flexibility with the local school people to meet their local needs in the best way that they see it; we will leave as much flexibility as we can.

Mr. STEIGER. But you are going to have uniform eligibility criteria?

Mr. DAVIS. As the bill will provide there will be certain factors that every school board must take into account in setting out their standards for free meals.

Now, the bill calls for taking into account income. Where it comes to what income levels local school boards may set, we do not contemplate any uniform maximum income levels for a family in order to receive free meals, no national uniform standards at this time.

Mr. STEIGER. So that there still can be, and my concern is that there can still be variations between school districts in terms of those eligible in one district who may not be eligible in another district.

How do you approach that problem?

Mr. DAVIS. On this we would hope that if a given school board seems to be setting these limits far too low we would work with the State school lunch people and they, in turn, with the local people to try to make these standards reasonable, fair, and equitable.

But we do not contemplate laying down any national dollar standards.

Mr. STEIGER. Is it possible to supply the committee and perhaps Mr. Pucinski the guidelines that you have already issued?

Mr. DAVIS. The guidelines which we have issued from the national level are essentially the same as provided in the H.R. 515.

Mr. VANNEMAN. We can provide the committee with copies of the Federal Register regulations on this.

Mr. STEIGER. I would appreciate your supplying them for the committee and, Mr. Chairman, I ask unanimous consent that they be made a part of the record at this point.

(The document to be furnished follows:)

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

NATIONAL SCHOOL LUNCH, AND CHILD NUTRITION ACT PROGRAMS

Prototype Agreements for Use by School Districts in Contracting With Food Service Management Companies for School Feeding Programs

Section 210.8(c) (3) of the National School Lunch Program regulations (7 CFR Part 210), § 215.7(c) (4) of the Special Milk Program regulations (7 CFR Part 215), and § 220.7(d) of the School Breakfast Program regulations (7 CFR Part 220) as these sections were amended January 18, 1969 (34 F.R. 807), permit any school participating in any of these Programs to operate under the Program during any period through fiscal year 1970 under a contract with a food service management company on a pilot, experimental basis, provided that: (1) Such action extends food service to needy children not previously benefiting from the Program; (2) the contract with the food service management company is one which is substantially in conformity with the applicable prototype agreement published below; and (3) the agreement is approved by the State Agency, or CFPDO where applicable, and the U.S. Department of Agriculture in advance of the beginning of the food service.

Notwithstanding the fact that the school has contracted with the company for the operation of the food service, the school remains responsible for carrying out all the requirements of the National School Lunch Program or other Program in which it participates and will be reimbursed from the funds appropriated

for the applicable Program. For the purpose of enabling the school to carry out this responsibility, the prototype agreements set forth below provide that the school will supply or approve menus; will determine that meals conform with the meal type requirements of the National School Lunch or other Program; will fix all prices for the meals and other food served; will designate the children who are to receive free or reduced price meals and assure that the identity of such children is protected; and will determine the acceptability of personnel employed on the school premises. The school will be represented in overall management of the food service operations by its own Food Service Director who is responsible for seeing that the contract provisions are carried out, and, under the Program requirements, will claim reimbursement from the State Agency, or CFPDO where applicable, for the meals served to the children.

Under all of the prototype agreements set forth below, the food service management company will purchase the food used in the meals for the account of the school with invoices sent directly to the school, for payment by the school; will cooperate with the school in maintaining controls on the cost of food it purchases for the school; to the maximum extent possible, will utilize in the preparation of the meals, foods donated by the U.S. Department of Agriculture; in purchasing food for the school, will purchase in as large quantities as may be effectively used, foods designated as plentiful by the U.S. Department of Agriculture; will maintain, in the storage, preparation, and service of food, proper sanitation and health standards in conformance with all applicable State and local laws and regulations; and will maintain proper storage and food inventory control records of the purchased foods and of the Government donated foods.

For all services, including the management fee, the school will pay the food service management company a fixed price per plate or other unit of food served or delivered.

The prototype agreements set forth below encompass the above responsibilities of the school and the company. Inclusion of these responsibilities is mandatory and not open to negotiation between the school and the company. All other provisions of the prototype agreements are open to negotiation between the school and the company, subject to State and local laws on sanitation, health, insurance, etc.

The following are the texts of the prototype agreements :

**AGREEMENT (A) BETWEEN SCHOOL DISTRICT AND FOOD SERVICE MANAGEMENT COMPANY
FOR ON-SCHOOL-SITE FEEDING OPERATIONS**

This Agreement is made this _____ day of _____, 19____, by and between the _____ School District, having its office at _____ City of _____, hereinafter designated as the "School", and _____, a corporation organized and existing under the laws of the State of _____, with principal offices at _____, City of _____, hereinafter designated as the "Company."

In consideration of the mutual promises and covenants contained herein, the Company and the School agree as follows :

1. The Company shall manage the food service operations of the School in the following attendance (school) units :

- a. _____ address.
- b. _____ address.
- c. _____ address.

Other attendance units may be added to or any of the attendance units listed may be eliminated from this agreement, as agreed upon by the Company and the School.

2. The School shall be represented in the overall management of said food service operations by the School's own employee, a Food Service Director, who shall have the right and authority :

a. To develop and supply to the Company, prior to the beginning of operations under this Agreement, specifications for the food to be purchased by the Company for the School's food service operations.

b. To inspect the purchased food to determine compliance with the purchase specifications and to reject food not meeting such specifications.

c. To have access to the Company's purchase records bearing upon the food purchased for the School, for review and audit, as necessary.

d. To supply or approve the menus and recipes for meals and other food to be served so as to insure compliance with U.S. Department of Agriculture meal type

requirements, to inspect the meals served to determine compliance with U.S. Department of Agriculture meal type requirements, and to withhold payment for meals not meeting prescribed requirements.

e. To require that the Company's employees be of the ability, appearance, behavior, and physical condition that is in conformity with the School's and the local Health Department's requirements for food service personnel, attached hereto.

f. To require that the Company's employees be of the number agreed upon by the Company and the School, as set out in paragraph 5.

g. To inspect at any time the food preparation, storage, and service areas to determine the adequacy of the Company's cleaning and sanitation practices.

h. To determine the adequacy of the Company's storage practices and record-keeping so as to insure the safekeeping of all food, including that donated for the use of the School by the U.S. Department of Agriculture, and in connection therewith to have ready access to the related food inventory control records of the Company.

3. The Company shall use such space, equipment, fixtures, china, glass, tableware, kitchen utensils, and utilities provided by the School as may be reasonably necessary for the efficient management of the food service operation in each of the designated attendance units. All equipment, supply, and utensil items shall remain the sole property of the School and the Company shall restore such property to the School in the same condition as when originally made available to the Company, reasonable wear and tear and loss or damage due to vandalism or civil disturbance excepted. Representatives of the Company and the School shall jointly inventory the equipment, glassware, tableware, utensil, food and supply items at the beginning of operations under this Agreement. The Company shall, at its expense, repair any of such property of the School which becomes damaged, except when the damage is due to vandalism or civil disturbance, and shall replace any of such property which becomes lost with items of equal quality. Copies of the inventory shall be attached to the copies of this contract for reference. Any additional equipment furnished by the Company shall remain the property of the Company, which shall have the right to remove it at any time. The Company shall, at its expense, maintain the School's equipment in good working order. The Company shall be responsible for the regular care and cleaning of all equipment and the food preparation, storage, and serving areas, including serving counters, ovens, hoods and ducts, light fixtures, floors, walls and windows, and for the clearing of tables and the cleaning of the dining area, tables, chairs, and benches following meal service. The cleaning of the dining area and the alternative uses of the area shall be in accordance with a time schedule agreed upon by the Company and the School. The Company shall arrange and pay for exterminating service and for laundry of employee uniforms, towels, and linens. The Company shall procure and pay for cleaning supplies. The Company shall be responsible for the sanitary handling of garbage and trash, shall use the receptacles provided therefor by the School, and shall move refuse to the area designated by the School. The School shall be responsible for removal of garbage and trash from the school building site.

4. The Company shall comply with all Federal, State, and local laws and regulations governing the preparing, handling, and serving of food, and shall procure and keep in effect all licenses, permits, and food handler's cards as are required by law, and shall post such permits, notices, and cards in a prominent place within the food service areas, as required. The Company shall comply with all applicable Federal, State, and local laws and regulations pertaining to wages and hours of employment.

5. The Company shall employ not less than ---- persons to provide the food service under this Agreement. The Company shall hire and dismiss all its employees in accordance with State and local standards and regulations for the employment of food service personnel. Employees hired by the Company must be acceptable to the School. Such employees shall be paid by the Company. In any labor negotiations involving such employees, the School, as a concerned party, shall be represented by the same official that represents the School in similar negotiations involving personnel employed for other supportive services performed for the School.

6. The Company shall serve to children, on such days, at such times, and at such prices as the School shall prescribe, (a) meals which follow the menus and recipes supplied or approved by the School, and which meet the meal-type requirements prescribed by the U.S. Department of Agriculture (and any additional requirements as may be established by the State of -----) which

are set out in detail in Exhibit —, attached hereto and made a part of this Agreement, and (b) such other food as may be agreed upon by the Company and the School. School employees and teachers may be permitted to purchase meals and other food at the option and direction of the School at prices set by the School. The Company shall not sell on the premises of any attendance unit listed in this Agreement, any food or beverage items other than the prescribed meals and other food, except those which may be expressly authorized by the School, and then only at times and places designated by the School. The Company shall not use the School's facilities for the preparation of food to be served in any location other than the listed attendance units. The Company shall serve milk to children under the Special Milk Program at times and at prices set by the School, and shall keep the records needed to file claims for reimbursement under that program. The Company shall cooperate with the School in promoting the nutritional education aspects of the School's food service program and in the efforts of the School to coordinate these aspects with classroom instruction, e.g., by making the food preparation and storage areas available for visits of the school children at reasonable times. The kitchen and the food preparation and service facilities shall be available for after-school-hours social events as agreed upon by the Company and the School.

7. The Company shall purchase, for the account of the School, the food required for the meals and other food served under this Agreement. Invoices shall be sent to the School for payment by the School. The cost of food used for meals, including the estimated local wholesale value of the food donated by the U.S. Department of Agriculture, shall not exceed an amount, per plate of food served, agreed upon by the Company and the School prior to the beginning of operations under this Agreement. For the purpose of controlling per plate cost, the value of all food used will be reviewed at times agreed upon by the Company and the School, but not less often than every 3 months. The Company shall purchase in as large quantities as may be efficiently utilized in the School's food service, food which the School advises it is designated as plentiful by the U.S. Department of Agriculture. Food purchased for service other than in meals shall be of the quality specified by the School. The Company shall purchase all food for the School at the lowest prices possible consistent with maintaining the quality standards prescribed by the School, which are attached hereto as Exhibit —, and made a part hereof.

8. To the maximum extent possible, the Company shall use in the preparation of the meals and other food served to the children, food donated for use of the School by the U.S. Department of Agriculture. The Company shall maintain adequate storage practices, inventory and control of such foods to insure that its use is in conformance with the School's agreement with the State Distributing Agency, attached hereto as Exhibit —. The Company shall give the School's Food Service Director ready access to the food storage area and to the inventory control records on the purchased food and the Government-donated food for such inspection and review as, in the opinion of the School's Food Service Director, is necessary.

9. The Company shall serve free or reduced-price meals to children designated by the School and protect the anonymity of such children; keep an accurate daily record of the number of all meals and other food served to children and, separately, all meals and other food served to adults, and shall transmit the record daily to the School's Food Service Director. The Company shall collect cash, tokens, or meal tickets from all persons served and transmit such collections daily to the School's Food Service Director or his designee, unless the School directs the Company to deposit the cash collections to the credit of the School's bank account each school day and to give the School a daily record of such deposits. In the event the food service operation in any attendance unit is large enough to warrant the use of a cash register, it shall be supplied by the School with the reset keys therefor to remain in the custody of the School.

10. The School shall be liable for labor and any other direct expenses incurred by the Company because of the School's failure to notify the Company before ____ a.m. of any day for which food services are canceled.

11. The Company shall indemnify the School against any loss or damage (including attorney's fees and other costs of litigation) caused by the Company's negligent acts or omissions, theft by the Company's employees, or negligent acts or omissions of the Company's agents or employees. The Company shall defend any suit against the School alleging personal injury, sickness or disease arising out of the consumption of the food served.

The school shall promptly notify the Company in writing of any claims against the Company or the School, and in the event of a suit being filed, shall promptly forward to the Company all papers in connection therewith. The School shall not incur any expense or make any settlement without the Company's consent. However, if the Company refuses or neglects to defend any such suit, the School may defend, adjust, or settle any such claims, and the costs of such defense, adjustment, or settlement, including reasonable attorney's fees, shall be charged to the Company.

12. The Company shall:

a. Procure and maintain workmen's compensation insurance as prescribed by the laws of the State in which the School is located.

b. Procure and maintain comprehensive bodily injury and property damage liability insurance, including bodily injury and property damage caused by automotive vehicles used in the School's food service operations, with limits of \$300,000 for injury or death of one person in any one accident; \$500,000 for injury or death of two or more persons in any one accident; and \$100,000 for property damage in any one accident.

c. Furnish the School certificates of insurance to demonstrate that it has procured the required insurance.

d. Procure and maintain a surety bond conditioned on the Company's faithful performance of this Agreement. (Omit this subparagraph if no bond will be required.)

13. All records of the Company bearing upon food service operations in any attendance unit shall be maintained at such attendance unit or at the Company's local office within the State, and shall be made available to the School upon request. The Company shall maintain any additional records the School may request to meet the requirements of the National School Lunch Program, or any other Government program. All such records shall be kept on file for 3 years after the end of the Federal fiscal year to which they pertain. The School's Food Service Director or other School representative, State educational agency representatives, and the auditors of the U.S. Department of Agriculture and the U.S. General Accounting Office, upon request, shall have access to all such records for audit or review at a reasonable time and place. Authorized representatives of the School, the State educational agency, and the U.S. Department of Agriculture shall have the right to conduct on-site administrative reviews of the food service operation.

14. The School shall pay the Company based on the following schedule:

FOR LUNCHES

For under 200 daily participation ---- cents per plate of food served.

For 200-500 daily participation ---- cents per plate of food served.

For 500 and up daily participation ---- cents per plate of food served.

FOR BREAKFASTS

For under 200 daily participation ---- cents per plate of food served.

For 200-500 daily participation ---- cents per plate of food served.

For 500 and up daily participation ---- cents per plate of food served.

FOR OTHER FOOD

15. The School shall make such payment to the Company monthly, on or before the ----- day of the month following the calendar month for which payment is made.

16. This Agreement constitutes the entire Agreement between the Company and the School with respect to the subject matter hereof and there are no other or further written or oral understandings or agreements with respect hereto. No variation or modification of this Agreement, and no waiver of its provisions shall be valid unless in writing and signed by the duly authorized officers of the School and the Company. No assignment or transfer of this Agreement may be made, in whole or in part, without the written consent of the School being first obtained.

17. This Agreement shall be effective as of _____, and shall be in force with respect to meals served during the period commencing on the effective date and ending _____, and during such additional period or periods as the Company and the School may agree upon. However, either party may at any time during the life of this Agreement or any extension thereof terminate this Agreement, with respect to the serving of meals, by giving sixty (60) days' notice in writing to the other party of its intention to do so, and the School may terminate this Agreement, with respect to the serving of meals, if the terms and conditions thereof are not fully complied with by the Company, by giving ten (10) days' notice in writing of its intention to do so. All notices to the School shall be addressed to it at _____ and all notices to the Company shall be addressed to the Company at _____.

In witness whereof, the parties hereto have caused this agreement to be signed by their duly authorized officers the day and year first above written.

FOR THE SCHOOL

FOR THE COMPANY

APPROVED BY THE STATE EDUCATION AGENCY

AGREEMENT (B) BETWEEN SCHOOL DISTRICT AND FOOD SERVICE MANAGEMENT COMPANY FOR ON-SCHOOL-SITE FEEDING OPERATIONS PLUS TRANSPORTATION OF FOOD TO OTHER UNITS

This Agreement is made this ____ day of _____, 19__, by and between the _____ School District, having its office at _____, City of _____, hereinafter designated as the "School", and _____, a corporation organized and existing under the laws of the State of _____, with principal offices at _____, City of _____, hereinafter designated as the "Company."

In consideration of the mutual promises and covenants contained herein, the Company and the School agree as follows:

1. The Company shall manage the food service operations of the School in the following attendance (school) units:

- a. _____ address.
- b. _____ address.
- c. _____ address.

In addition, the Company shall prepare meals in any of such attendance units and deliver them to the following attendance units which do not have food preparation facilities:

- d. _____ address.
- e. _____ address.
- f. _____ address.

Other attendance units may be added to or any of the attendance units listed may be eliminated from this Agreement, as agreed upon by the Company and the School.

2. The School shall be represented in the overall management of said food service operations by the School's own employee, a Food Service Director, who shall have the right and authority:

- a. To develop and supply to the Company, prior to the beginning of operations under this Agreement, specifications for the food to be purchased by the Company for the School's food service operations.
- b. To inspect the purchased food to determine compliance with the purchase specifications and to reject food not meeting such specifications.
- c. To have access to the Company's purchase records bearing upon the food purchased for the School, for review and audit, as necessary.
- d. To supply or approve the menus and recipes for meals and other food to be served, so as to insure compliance with U.S. Department of Agriculture meal-type requirements, to inspect the meals served to determine compliance with U.S. Department of Agriculture meal-type requirements, and to withhold payment for meals not meeting prescribed requirements.

e. To require that the Company's employees be of the ability, appearance, behavior, and physical condition that is in conformity with the School's and the local Health Department's requirements for food service personnel, attached hereto.

f. To require that the Company's employees be of the number agreed upon by the Company and the School, as set out in paragraph 5.

g. To inspect at any time the food preparation, storage, and service areas and the food containers and automotive vehicles used in transporting the prepared meals and other food to the School, to determine the adequacy of the Company's cleaning and sanitation practices.

h. To determine the adequacy of the Company's storage practices and record-keeping so as to insure the safekeeping of all food, including that donated for the use of the School by the U.S. Department of Agriculture, and in connection therewith to have ready access to the related food inventory control records of the Company.

3. The Company shall use such space, equipment, fixtures, china, glass, tableware, kitchen utensils, and utilities provided by the School as may be reasonably necessary for the efficient management of the food service operation in each of the designated attendance units. All equipment, supply, and utensil items shall remain the sole property of the School and the Company shall restore such property to the School in the same condition as when originally made available to the Company, reasonable wear and tear and loss or damage due to vandalism or civil disturbance excepted. Representatives of the Company and the School shall jointly inventory the equipment, glassware, tableware, utensil, food and supply items at the beginning of operations under this Agreement and the Company shall, at its expense, repair any of such property of the School which becomes damaged, except when the damage is due to vandalism or civil disturbance, and shall replace any of such property which becomes lost with items of equal quality. Copies of the inventory shall be attached to the copies of this Agreement for reference. Any additional equipment furnished by the Company shall remain the property of the Company, which shall have the right to remove it at any time. The Company shall, at its expense, maintain the School's equipment in good working order. The Company shall be responsible for the regular care and cleaning of all the equipment and the food preparation, storage, and serving areas, including serving counters, ovens, hoods and ducts, light fixtures, floors, walls and windows, and for the clearing of tables and the cleaning of the dining area, tables, chairs; and benches following meal service. The cleaning of the dining area and the alternative uses of the area shall be in accordance with a time schedule mutually agreeable to the Company and the School. The Company shall arrange and pay for exterminating service and for laundry of employees uniforms, towels, and linens. The Company shall procure and pay for cleaning supplies. The Company shall be responsible for the sanitary handling of garbage and trash, shall use the receptacles provided therefore by the School, and shall move refuse to the area designated by the School. The School shall be responsible for removal of garbage and trash from the school building site.

The Company shall supply automotive vehicles and insulated containers for hot and cold food for the transportation of meals and other foods to the attendance units without food preparation facilities, and shall be responsible for the sanitary handling of the transported food and the maintenance of the temperatures for the hot and the cold food, as prescribed by the School. If this Agreement is not renewed at the end of any period during which it is in effect, the School shall have the option to purchase from the Company any of the Company's automotive vehicles and insulated containers used to transport the meals and other food, as provided for in this Agreement, for an amount representing the residual value of such equipment.

4. The Company shall comply with all Federal, State, and local laws and regulations governing the preparing, handling, transporting, and serving of food, shall procure and keep in effect all licenses, permits, and food handler's cards, as are required by law, and shall post such permits, notices, and cards in a prominent place within the food service areas, as required. The Company shall comply with all applicable Federal, State, and local laws and regulations pertaining to wages and hours of employment.

5. The Company shall employ not less than ----- persons to provide food service under this Agreement. The Company shall hire and dismiss all its employees in accordance with State and local standards and regulations for the employment of food service personnel. Employees hired by the Company must be acceptable to the School. Such employees shall be paid by the Company. In

any labor negotiations involving such employees, the School, as a concerned party, shall be represented by the same official that represents the School in similar negotiations involving personnel employed for other supportive services performed for the School.

6. The Company shall serve to children, in all attendance units, on such days, at such times, and at such prices as the School shall prescribe, (a) meals which follow the menus and recipes supplied or approved by the School, and which meet the meal-type requirements, prescribed by the U.S. Department of Agriculture (and any additional requirements as may be established by the State of -----) which are set out in detail in Exhibit -----, attached hereto and made a part of this Agreement, and (b) such other food as may be agreed upon by the Company and the School. School employees and teachers may be permitted to purchase meals and other food at the option and direction of the School at prices set by the School. The Company shall not sell on the premises of any attendance unit listed in this Agreement, any food or beverage items other than the prescribed meals or other food, except those which may be expressly authorized by the School, and then only at times and places designated by the School. The Company shall not use the School's facilities for the preparation of food to be served in any location other than the listed attendance units. The Company shall serve milk to children under the Special Milk Program at times and at prices set by the School, and shall keep the records needed to file claims for reimbursement under the Program. The Company shall cooperate with the School in promoting the nutritional educational aspects of the School's food service program and in the efforts of the School to coordinate these aspects with classroom instruction, e.g., by making the food preparation and storage areas available for visits of the school children at reasonable times. The kitchen and the food preparation and service facilities shall be available for after-school-hours social events as agreed upon by the Company and the School.

7. The Company shall purchase, for the account of the School, the food required for the meals and other food served under this Agreement. Invoices shall be sent to the School for payment by the School. The cost of food used for meals, including the estimated local wholesale value of the food donated by the U.S. Department of Agriculture, shall not exceed an amount, per plate of food served, agreed upon by the Company and the School prior to the beginning of operations under this Agreement. For the purpose of controlling per plate cost, the value of all food used will be reviewed at times agreed upon by the Company and the School, but not less often than every 3 months. The Company shall purchase in as large quantities as may be efficiently utilized in the School's food service, food which the School advises it is designated as plentiful by the U.S. Department of Agriculture. Food purchased for service other than in meals shall be of the quality specified by the School. The Company shall purchase all food for the School at the lowest prices possible consistent with maintaining the quality standards prescribed by the School, which are attached hereto as Exhibit -----, and made a part hereof.

8. To the maximum extent possible, the Company shall use in the preparation of the meals and other food served to the children, food donated for the use of the School by the U.S. Department of Agriculture. The Company shall maintain adequate storage practices, inventory, and control of such food to insure that its use is in conformance with the School's agreement with the State Distributing Agency, attached hereto as Exhibit ----- The Company shall give the School's Food Service Director ready access to the food storage area and to the inventory control records on the purchased food and the Government-donated food for such inspection and review as, in the opinion of the School's Food Service Director, is necessary.

9. The Company shall serve free or reduced-price meals to children designated by the School and protect the anonymity of such children; keep an accurate daily record of the number of all meals and other food served to children, and separately, all meals and other food served to adults, and shall transmit the record daily to the School's Food Service Director. The Company shall collect cash, tokens, or meal tickets from all persons served and transmit such collections daily to the School's Food Service Director or his designee, unless the School directs the Company to deposit the cash collections to the credit of the School's bank account each schoolday, and give to the School a daily record of such deposits. In the event the food service operation in any attendance unit is large enough to warrant the use of a cash register, it shall be supplied by the School with the reset keys therefor to remain in the custody of the School.

10. The School shall be liable for labor and any other direct expenses incurred by the Company because of the School's failure to notify the Company before — a.m. of any day for which food services are canceled.

11. The Company shall indemnify the School against any loss or damage (including attorney's fees and other costs of litigation) caused by the Company's negligent acts or omissions, theft by the Company's employees, or negligent acts or omissions of the Company's agents or employees. The Company shall defend any suit against the School alleging personal injury, sickness or disease arising out of the consumption of the food served and any suit against the School alleging property damage or personal injury arising out of the transportation of food to attendance units without food preparation facilities.

The School shall promptly notify the Company in writing of any claims against the Company or the School, and in the event of a suit being filed, shall promptly forward to the Company all papers in connection therewith. The School shall not incur any expense or make any settlement without the Company's consent. However, if the Company refuses or neglects to defend any such suit, the School may defend, adjust, or settle any such claim, and the costs of such defense, adjustment, or settlement, including reasonable attorney's fees, shall be charged to the Company.

12. The Company shall:

a. Procure and maintain workmen's compensation insurance as prescribed by the laws of the State in which the School is located.

b. Procure and maintain comprehensive bodily injury and property damage liability insurance, including bodily injury and property damage caused by automotive vehicles used in the School's food service operations, with limits of \$300,000 for injury or death of one person in any one accident; \$500,000 for injury or death of two or more persons in any one accident; and \$100,000 for property damage in any one accident.

c. Furnish the School certificates of insurance to demonstrate that it has procured the required insurance.

d. Procure and maintain a surety bond conditioned on the Company's faithful performance of this Agreement. (Omit this subparagraph if no bond will be required.)

13. All records of the Company bearing upon food service operations in any attendance unit shall be maintained at such attendance unit or at the Company's local office within the State, and shall be made available to the School upon request. The Company shall maintain any additional records the School may request to meet the requirements of the National School Lunch Program, or any other government program. All such records shall be kept on file for three years after the end of the Federal fiscal year to which they pertain. The School's Food Service Director or other School representative, State educational agency representatives, and the auditors of the U.S. Department of Agriculture and the U.S. General Accounting Office, upon request, shall have access to all such records for audit or review at a reasonable time and place. Authorized representatives of the School, the State educational agency, and the U.S. Department of Agriculture shall have the right to conduct on-site administrative reviews of the food service operations.

14. The School shall pay the Company based on the following schedule:

FOR LUNCHES

For under 200 daily participation ---- cents per plate of food served.

For 200-500 daily participation ---- cents per plate of food served.

For 500 and up daily participation ---- cents per plate of food served.

FOR BREAKFASTS

For under 200 daily participation ---- cents per plate of food served.

For 200-500 daily participation ---- cents per plate of food served.

For 500 and up daily participation ---- cents per plate of food served.

FOR OTHER FOOD

15. The School shall make such payment to the Company monthly, on or before the _____ day of the month following the calendar month of operation for which payment is made.

16. This Agreement constitutes the entire Agreement between the Company and the School with respect to the subject matter hereof and there are no other or further written or oral understandings or agreements with respect hereto. No variation or modification of this Agreement, and no waiver of its provisions shall be valid unless in writing and signed by the duly authorized officers of the School and the Company. No assignment or transfer of this Agreement may be made, in whole or in part, without the written consent of the School being first obtained.

17. This Agreement shall be effective as of _____, and shall be in force with respect to meals served during the period commencing on the effective date and ending _____, and during such additional period or periods as the parties hereto may agree upon. However, either party may at any time during the life of this Agreement or any extension thereof terminate this Agreement, with respect to the serving of meals, by giving sixty (60) days' notice in writing to the other party of its intention to do so, and the School may terminate this Agreement, with respect to the serving of meals, if the terms and conditions thereof are not fully complied with by the Company, by giving ten (10) days' notice in writing of its intentions to do so. All notices to the school shall be addressed to it at _____ and all notices to the Company shall be addressed to the Company at _____.

In witness whereof, the parties hereto have caused this Agreement to be signed by their duly authorized officers the day and year first above written.

FOR THE SCHOOL

FOR THE COMPANY

APPROVED BY THE STATE EDUCATION AGENCY

AGREEMENT (C) BETWEEN SCHOOL DISTRICTS AND FOOD SERVICE MANAGEMENT COMPANIES FOR OFF-SCHOOL-SITE MEAL PREPARATION OPERATIONS

This agreement is made this _____ day of _____, 19____, by and between the _____ School District, having its office at _____, City of _____, hereinafter designated as the "School" and the _____, a corporation organized and existing under the laws of the State of _____, with principal offices at _____, City of _____, hereinafter designated as the "Company."

In consideration of the mutual promises and covenants contained herein, the Company and the School agree as follows:

1. The Company shall prepare meals and other food and deliver them to the following attendance units of the School:

- a. _____ address.
- b. _____ address.
- c. _____ address.

Other attendance units may be added to or any of the attendance units listed may be eliminated from this Agreement, as agreed upon by the Company and the School.

2. The School shall be represented in its overall food service operations by the School's own employee, a Food Service Director, who shall have the right and authority:

a. To develop and supply to the Company, prior to the beginning of operations under this Agreement, specifications for the food which the Company is to use in the meals and other food prepared for the School.

b. To inspect such food to determine compliance with the specifications and to reject food not meeting such specifications.

c. To have access to the Company's purchase records bearing upon the food purchased for the School, for review and audit, as necessary.

d. To supply or approve the menus and recipes for meals and other food to be delivered so as to insure compliance with U.S. Department of Agriculture meal-type requirements, to inspect the meals delivered to determine compliance with U.S. Department of Agriculture meal-type requirements, and to withhold payment for meals not meeting prescribed requirements.

e. To inspect at any time the Company's food preparation, packaging and storage areas and the food containers and automotive vehicles used in transporting prepared meals and other food to the School to determine the adequacy of the Company's cleaning, sanitation, and maintenance practices.

f. To determine the adequacy of the Company's storage and recordkeeping practices so as to insure the safekeeping of all food, including the food donated for the use of the School by the U.S. Department of Agriculture, and in connection therewith to have ready access to the related food inventory control records of the Company.

3. The Company shall comply with all Federal, State, and local laws and regulations governing the preparing, handling, and transporting of food; shall procure and keep in effect all necessary licenses, permits, and food handler's cards as are required by law; and shall post such licenses, permits and cards in a prominent place within the meal preparation areas, as required. The Company shall comply with all applicable Federal, State, and local laws and regulations, pertaining to wages and hours of employment.

4. The Company shall supply automotive vehicles and insulated containers for hot and cold food for the transportation of meals and other food to the designated attendance units. If this Agreement is not renewed at the end of any period during which it is in effect, the School shall have the option to purchase from the Company any of the Company's automotive vehicles and insulated containers used to transport the meals and other food, as provided for in this Agreement, for an amount representing the residual value of such equipment.

The Company shall deliver the meals and other food to the attendance units of the School in accordance with the attached delivery schedule (Exhibit -----) in such quantities as may be agreed upon from time to time by the Company and the School; shall maintain proper temperatures for the hot and the cold food and shall maintain adequate sanitary practices in handling the food in transit.

In the event that the Company fails to deliver any meal or meals or other food to the School, as agreed upon, the School may procure a meal or meals or other food elsewhere, and charge to the Company the cost of such replacement meal or meals or other food, plus any expenses incurred by the School in procuring such replacement meal or meals or other food.

5. The Company shall purchase, for the account of the School, the food required for the meals and other food to be delivered to the School under this Agreement. Invoices shall be sent to the School for payment by the School. The cost of food used for meals, including the estimated wholesale value of the food donated by the U.S. Department of Agriculture, shall not exceed an amount, per plate of food served, agreed upon by the Company and the School prior to the beginning of operations under this Agreement. For the purpose of controlling per plate cost, the value of all food used will be reviewed at times agreed upon by the Company and the School, but not less often than every 3 months. The Company shall purchase in as large quantities as may be efficiently utilized in the School's food service, food which the School advises it is designated as plentiful by the U.S. Department of Agriculture. The Company shall purchase all food for the School at the lowest prices possible consistent with maintaining the quality standards prescribed by the School, which are attached hereto as Exhibit -----, and made a part hereof.

6. To the maximum extent possible, the Company shall use, in the meals and other food delivered to the School, food donated for the use of the School by the U.S. Department of Agriculture. The Company shall maintain adequate storage practices, inventory and control of such food to insure that their use is in conformance with the School's agreement with the State Distributing Agency, attached hereto as Exhibit -----. The Company shall give the School's Food Service Director ready access to the food storage area and to the inventory control records on the purchased food and the Government-donated food for such inspection and review as, in the opinion of the School's Food Service Director, is necessary.

7. The Company shall indemnify the school against any loss or damage (including attorney's fees and other costs of litigation) caused by the Company's negligent act or omission, theft by the Company's employees, or the negligent acts or omissions of the Company's agents or employees. The Company shall defend any suit against the School alleging personal injury or property damage arising out of the transportation of meals or other food to the attendance units of the School, and any suit alleging personal injury, sickness or disease arising out of the consumption of the meals or other food delivered to the School.

The School shall promptly notify the Company in writing of any claims against the Company or the School, and in the event of a suit being filed, shall promptly forward to the Company all papers in connection therewith. The School shall not incur any expense or make any settlement without the Company's consent. However, if the Company refuses or neglects to defend any such suit, the School may defend, adjust, or settle any such claim, and the costs of such defense, adjustment, or settlement, including reasonable attorney's fees, shall be charged to the Company.

8. All records of the Company bearing upon food purchases, storage, food preparation and transportation, directly related to the meals and other food delivered under this Agreement, including the records on receipt, storage, and use of Government-donated commodities, shall be made available to the School upon request. The School's Food Service Director or other School representative, State educational agency and the State Distributing Agency representatives, and the auditors of the U.S. Department of Agriculture and the U.S. General Accounting Office, upon request, shall have access to all such records for audit or review at a reasonable time and place.

9. The School shall pay the Company for the meals prepared and delivered on the basis of the following schedule:

FOR LUNCHES

Elementary—Secondary

For under 200 daily ----¢-----¢ per lunch delivered.

For 200 to 500 daily ----¢-----¢ per lunch delivered.

For 500 and up daily ----¢-----¢ per lunch delivered.

FOR BREAKFASTS

Elementary—Secondary

For under 200 daily ----¢-----¢ per breakfast delivered.

For 200 to 500 daily ----¢-----¢ per breakfast delivered.

For 500 and up daily ----¢-----¢ per breakfast delivered.

FOR OTHER FOOD

10. The School shall make such payment to the Company monthly on or before the ---- day of the month following the calendar month for which payment is made, except that the School shall not be obligated to receive or pay for any meal or other food if, by notice to the Company before ---- a.m., the School requested that such meal or other food not be delivered, and the School shall not be obligated to pay for any meal or other food which does not meet the prescribed requirements.

11. This Agreement constitutes the entire Agreement between the Company and the School with respect to the subject matter hereof and there are no other or further written or oral understandings or agreements with respect hereto. No variation or modification of this Agreement, and no waiver of its provisions shall be valid unless in writing and signed by the duly authorized officers of the School and the Company. No assignment or transfer of this Agreement may be made, in whole or in part, without the written consent of the School being first obtained.

12. This agreement shall be effective as of -----, and shall be in force with respect to meals delivered during the period commencing on the effective date and ending -----, and during such additional period or periods as the Company and the School may agree upon. However, either

party may at any time during the life of this Agreement or any extension thereof terminate this Agreement with respect to the delivery of meals by giving sixty (60) days' notice in writing to the other party of its intention to do so, and the School may terminate this Agreement with respect to the delivery of meals, if the terms and conditions hereof are not fully complied with by the Company, by giving ten (10) days' notice in writing of its intention to do so. All notices to the school shall be addressed to it at ----- and all notices to the Company shall be addressed to the Company at -----.

In witness whereof, the parties hereto have caused this Agreement to be signed by their duly authorized officers the day and year first above written.

FOR THE SCHOOL

FOR THE COMPANY

APPROVED BY THE STATE
EDUCATIONAL AGENCY

APPROVED BY THE STATE DIS-
TRIBUTING AGENCY

Effective date. This notice shall be effective on date of publication.

Dated : February 25, 1969.

J. PHIL CAMPBELL,
Acting Secretary.

[F.R. Doc. 69-2448 ; Filed, Feb. 28, 1969 ; 8:45 a.m.]

Mr. STEIGER. Have you discussed the 10-percent requirement from the State with the State school lunch personnel. Do they support it and what kind of reaction have you had from them?

Mr. DAVIS. I believe Mr. Lennartson made reference in his statement to the fact that this was a recommendation by all of the State school lunch directors in a workshop held last spring.

At that time various levels were discussed and then at subsequent meetings with them the various levels were discussed.

To my best knowledge, the State school lunch directors, and, I assume they have conferred with their State superintendent of education, the State school lunch directors have concurred.

Mr. STEIGER. Thank you.

Chairman PERKINS. Mrs. Green, do you have any questions?

Mrs. GREEN. No, no questions.

Chairman PERKINS. Mr. Collins?

Mr. COLLINS. Do you have the relative cost of the school lunch program in different States like California or New York or Michigan or Texas?

Mr. DAVIS. The cost to the child?

Mr. COLLINS. The cost to the school system. Are some States more efficient than others, or do they make it go further, or how does it work out?

Mr. DAVIS. I am not sure that I can answer your question with any specifics, Congressman. As in any national program, you have difficulties among the States in the effectiveness that with which they carry out the programs.

I would say this, that those States that do make a contribution and those States which have provided fairly adequate State staffs tend to have better programs. That is a very, very general statement, I realize.

Mr. COLLINS. We have also seen situations where we have excess administrative costs involved in programs where a big part gets in-

volved in the administrative cost instead of the direct material handling which is the lunch we are involved with in here.

Mr. DAVIS. I do not believe we have found that as far as the School Lunch Program is concerned, Congressman.

Our problem has been to help the State agency in every way we could to get sufficient funds to provide the State staff that can go out and analyze the local program for its effectiveness and efficiency and help them improve it.

I do not know of any State that I would say that is overstaffed on this program.

Mr. COLLINS. Do we have much Federal staffing involved in this?

Mr. DAVIS. Our total Federal expense item in our 1970 budget is \$3.1 million. The total dollar value of the programs being administered with that \$3.1 million will be somewhere in the neighborhood of \$643 million. So this is a little less than one-half of 1 percent.

Mr. COLLINS. What does the State tack on that for administrative cost, because that is very good?

Mr. DAVIS. I would have to supply that for the record, Congressman. I would say that it probably is not over another half. Wouldn't you, Mr. Vanneman?

Mr. VANNEMAN. It would be closer to 1 percent.

Mr. COLLINS. You mean the entire program the administrative costs on that is running at less than 1 percent total?

Mr. VANNEMAN. That is at the State level. You have other costs at the local level.

Chairman PERKINS. Mrs. Green.

Mrs. GREEN. It is my understanding you have in the experimental program private catering taking over the administration of the School Lunch Program. I have had innumerable letters from Oregon in which they make the allegation that existing lunch programs have been taken over by the private agencies.

Mr. DAVIS. By private agencies, do you mean food management companies or local ladies aid societies?

Mrs. GREEN. I do not know whether they are ladies aid or management societies. I mean profit-making groups, they are taking over the administration of the existing programs.

It is my understanding that you have a few experimental programs that are being run by private agencies; is that right?

Mr. DAVIS. As discussed a little earlier, we have amended our regulations to provide for a few to be run by private food management concerns.

As of this date, however, no school has entered into such a contract. We have none yet.

Now as far as private agencies we do provide—the School Lunch Act does provide—for the program to be made available to private schools.

Mrs. GREEN. I understand that. I am talking about the program that were formerly run by the school, itself, by the home economics department or whoever was in charge, and that it is a new policy.

The claim is made, the allegation in the letter, is that this is a policy stemming from Washington to turn over the lunch program to private industry.

Mr. LENNARTSON. I think they are reflecting a fear that it will be rather than what actually prevails at this time. There are no private agencies operating the school lunch program at this juncture.

Provision has been made for up to six pilot programs to determine how effective they can be in the ghetto areas where the old schools have no school lunch facilities, there are no lunch facilities available to the children.

It is in these types of areas that we want to test the possibility, the effectiveness, and so on, of private food management companies taking over that function, only, though, where the local school board agrees to it and it is purely a pilot and experimental program.

Mrs. GREEN. Let me send a copy of the letter to you. The allegation has been made that this has taken place, not a fear that it may take place but that it has taken place.

Mr. LENNARTSON. No.

Chairman PERKINS. Mr. Landgrebe, do you have any questions?

Mr. LANDGREBE. I believe not, Mr. Chairman.

Chairman PERKINS. Mr. Steiger wishes to make an observation.

Mr. STEIGER. Mr. Chairman, the state superintendent of public instruction in Wisconsin wrote and suggested an amendment on page 3, section 2(b), line 16, that that sentence be amended by instead of saying State "tax revenues appropriated specifically for the program," that the words "or utilized specifically" be included.

I have discussed this with the chairman. I will include as a part of the record a rather lengthy letter which goes into why in Wisconsin, for example, if you do not do that you are really requiring a substantial increase in our State budget since the school lunch program is part of our foundation State aid.

I would hope that the Department would not object to that approach. I think it follows the intent of the bill and the intent of the author of the bill.

I do not know whether you have any comment, Mr. Lennartson.

Mr. LENNARTSON. I understand it will present no problem to us.

Mr. STEIGER. Thank you.

If I may, Mr. Chairman, I will ask that the letter be included at this point.

(The document referred to follows:)

THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION,
Madison, Wis., February 10, 1969.

HON. WILLIAM A. STEIGER,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN STEIGER: I am very much concerned over H.R. 515 introduced by Mr. Perkins to amend the National School Lunch Act with respect to the matching requirement for school lunch programs.

At the present time each dollar of federal money must be matched by three dollars "from sources within the State." Children's payments for lunches, cost of equipment purchased by the school board, funds expended by the school board in support of the program, and funds expended by the State in administration of the program may be applied toward meeting the matching requirement.

Section 2(b) of H.R. 515 would require that beginning with fiscal year 1971 a portion of the state's matching funds be met by "State tax revenues appropriated specifically for use for program purposes in the schools or to defray the cost of intra-state distribution of federally-donated commodities to the schools. . . ."

Beginning with 4 percent of the matching requirement for fiscal year 1971, there would be a 2 percent increase every two years until fiscal year 1977 and each

year thereafter when the State appropriated funds for matching purposes would be not less than 10 percent of the matching requirement.

In Wisconsin, as in many other states I am sure, the cost of operating the school lunch program is recognized as a part of the district operating expenses and as such is partially supported by State appropriated equalization or "foundation" aids. In Wisconsin the funds are not earmarked for specific expenditures and in the low income areas of the state, a rather substantial portion of the cost of operating the lunch program is met by equalization aid funds. The prices charged to the children for the lunches are kept at an extremely low level (5¢ per lunch in some areas), the local school district then carries part of the cost, and a substantial portion is met through the state aids to the district.

The Perkins bill does not take into account such payments from state tax sources, since there is no specific amount earmarked for school lunch purposes or for defraying the cost of intra-state distribution of federally-donated commodities to the schools, even though the amount of equalization aid funds actually used in support of the school lunch program at the district level would be far in excess of 4 percent of the matching requirement. Neither does it appear to me that the bill carries any provision with respect to the matching requirement as it pertains to parochial and private schools which do not come under state support.

I am confident that any attempt on my part to obtain a specific appropriation from the State Legislature for fiscal year 1971 for the support of the school lunch program would be difficult if not impossible. I am convinced that the same would be true in many other states as well.

It is my recommendation, therefore, that the Perkins bill be amended as follows so as to give credit for tax funds from the state and local level in meeting the proposed matching requirement from public funds: Amend the wording in line 16, page 3, to read, "State tax revenues appropriated *or utilized* specifically for program purposes in the school . . ." etc. I believe this is substantially the purposes of the legislation as indicated by Mr. Perkins' message upon introducing the bill (Congressional Record, January 7, 1969—H 143) and that an amendment as suggested would bring about the desired results nationally.

I need to call your attention to the fact that local schools and state government are facing severe financial strains at this time. Increasing the demand for local and state government to match federal funds at this time adds and compounds the fiscal problems of local and state levels. Shifting the burden from federal to state and local agencies is not a viable solution.

I would be most willing to provide additional information you may desire in respect to this issue.

Sincerely yours,

WILLIAM C. KAHL,
State Superintendent.

Chairman PERKINS. If the gentleman will offer the amendment so far as I am concerned, I have no objection to it.

Mr. Pucinski.

Mr. PUCINSKI. Assuming this legislation goes through as it is, how many youngsters do you estimate will still not be getting adequate hot lunches in this country?

Mr. DAVIS. We are hoping, as I said before, that if the Congress appropriates the budget that is before it for these programs that we would have sufficient funds to reach 6½ million children with free or reduced price lunches, which is our best estimate at this time of the total number of such children.

Now, this would mean and it is going to take, it is going to be quite difficult to achieve in 1 year, but this will mean providing some sort of food service in many schools that do not now have a lunch available to any child.

So you can't reach the needy child in those schools at the present time. But with these funds we would hope to be able to reach the balance of the universe.

Mr. PUCINSKI. Have you made any studies to see what impact the present program has had on youngsters in those schools that have the breakfast program going?

Mr. DAVIS. We have a number of spot studies that have been made over the years. I think you have put your finger on a crying need in the program at this point for more research.

We would hope that if the provisions in H.R. 515 are funded that we will be able to make considerable progress along this line.

Mr. PUCINSKI. That brings me to my next question. You have in your statement that—

Unfortunately, children, like adults, are not endowed with the ultimate wisdom when it comes to making a sound decision on food.

It is difficult to compete with candy bars, soft drinks and a snack line in the cafeteria. Many State and local school lunch directors have wished that the Department of Agriculture were in a position even to say that we would take a good look at the general practices in this area.

Now I can try until doomsday and I can't convince my son that there is any other food besides a hamburger.

How do you propose to do this? This is a subject I would like to know more about. What does this mean?

Mr. DAVIS. I think most of the school lunch managers recognize the children's tastes, as you just mentioned. Hamburger is included in the regular type-A lunch quite frequently. That is not what we are trying to get at here. It is the Fritos and soft drink kind of food choice the children will make if those items are available, or a hamburger and soft drink at a snack bar if that is available in the school.

But we would hope and we have every reason to believe that these cooks and managers can serve meals that will appeal to the youngsters' tastes.

Mr. PUCINSKI. I have often wondered, Mr. Davis, if hamburger is a big thing with this generation and you can't convince them that there is anything besides hamburger, and if hamburgers do not have the full nutritional value, why don't you find some way of making hamburger fully nutritious?

The Pillsbury people have done extensive research for NASA and those boys that are circling the earth now are eating food prepared under very expensive contracts. I saw an interesting stick the other day that tasted like a very fine Tootsie Roll, yet it carries 41 calories and has all the nutritional value of a good meal.

I was wondering, are we moving in that direction?

Mr. DAVIS. Yes, sir; we are exploring all these possibilities.

Just about 10 days ago we had a panel of the top nutrition experts in the country meeting with us for 2 days to examine our type-A pattern and our regulations in regard to what foods would be acceptable for reimbursement.

They went through this in some detail. I would think that this committee when they have submitted their final report, would be quite interested in their observations. There is much that can be done in the direction you suggest. There are also some dangers in it.

There is also the idea that your best guarantee for getting all the nutritional elements you need is to eat a varied diet and it is important for the children to learn to eat a variety of foods in order to help guarantee this.

This is on one side of the coin.

On the other is the very problem which you point up which is a serious one. If you can't get people to eat the variety that is necessary for a balanced diet, then perhaps you ought to take the foods that they are accustomed to eating and beef them up somehow so that you meet the requirement.

I think it is a very good point and one that we are exploring at the moment.

Mr. PUCINSKI. Thank you.

Chairman PERKINS. Mrs. Mink?

Mrs. MINK. Thank you very much, Mr. Chairman.

I wondered what impact the changes that are being recommended in the special milk program would have on the national school lunch program?

Mr. DAVIS. We are hoping, as Mr. Lennartson pointed out in his statement, to more and more, with the approval of Congress, to get a little more flexibility into these pockets of funds that we have for specific programs so that we can direct the money interchangeably to meet the need.

Now the reason I say that is that on special milk we would hope, for example, that in many schools where milk is the only thing now available that we can make a full lunch available to those children which includes milk.

So that to the extent that we are able to get programs into new schools and get lunches to all the children who need them, the poor children who have not been able to buy them, we would hope to use some of the moneys previously spent for milk alone to further this.

But in the meantime, we have every hope to not leave a vacuum as far as the milk is concerned, but to continue to provide milk in instances where we cannot fill in with the full lunch and/or breakfast.

Mrs. MINK. In other words, what you are saying is that the moneys that have previously been allocated for the special milk program will now be used to fund this special assistance program for the poor and needy and for the new schools that do not have a hot lunch.

So that you are not really increasing the program. You are taking money that existed previously for another program to fund an area of need so it is not an increase in your program activities.

Mr. DAVIS. It will result in an increase to the children of a complete meal rather than just a Federal subsidy of 3 cents toward buying a half pint of milk and maybe picking up a bag of Fritos or something like that.

Mrs. MINK. So that the \$100 million—

Mr. DAVIS. I do not mean to pick on Fritos—

Mrs. MINK. The \$100 million has been available in the special milk program is going to be used to fund your lunch program for the poor and needy, so it is not an additional program for which you need additional funds.

Mr. LENNARTSON. This is correct. We are just moving the resources previously used on special milk over into building a broader, better school lunch program and getting it into every school in this Nation to the extent practicable.

Mrs. MINK. The areas that do not now have a hot lunch, where there is no kitchen-cafeteria facilities, how far will the \$100 million go to provide lunches for these children?

Mr. DAVIS. The fund will provide lunches for those children and there is provision for a substantial increase in the amount of money that will be available for equipment. This money can be spent either for providing equipment to move meals from, let us say a high school kitchen out to these elementary schools, or it could be used to build a central kitchen and provide the trucks and the containers, and so on.

We recognize that to reach these 6½ million children we have to get programs in thousands of schools that do not now have any food service at all.

So the budget does provide for an increase in funds for equipment, not only as a specific item in the budget but also in the recommended transfer of section 32 money.

Mr. STEIGER. Would my colleague yield?

Mrs. MINK. Yes.

Mr. STEIGER. You touched on the \$100 million that might be made available to the school lunch program.

I can only say there are an awful lot of Members of Congress, myself included, who hope that does not happen.

Mrs. MINK. I am interested in knowing exactly how much additional money is going for this equipment because I consider the facility really as being the heart of the problem for these areas that are not able to provide a hot lunch for the children.

I have many, many in my State that are in this category.

Mr. DAVIS. Of course, as you will recall, the authority for this assistance in equipment was contained in the Child Nutrition Act of 1966. We have tried year after year to get that item funded at what we thought was a modest figure of about \$10 million.

So far, the appropriation has contained \$750,000 for this item.

Mrs. MINK. How many facilities will you be able to build with that amount of money?

Mr. DAVIS. But our 1970 budget carries a specific item of \$15 million for this and we would expect out of the proposed transfer of section 32 funds for free lunches, breakfast and equipment, that there would be additional money used by the States to get programs into these poor schools.

Mr. PUCINSKI. Will the gentlewoman yield?

Mrs. MINK. Yes.

Mr. PUCINSKI. I have made a strong appeal for contracting this out. I hope that we are going to keep expenditures and funds for equipment to a minimum because, frankly, that is passé, it is foolish to pour a lot of money into equipment that is used on a very, very limited basis in a school.

It is not used throughout the whole summer, it is not used on weekends, it is not used throughout the day.

I think you can get more for the taxpayer's dollar by farming this stuff out to private concerns that can bring a tray in all set and lay it on the youngster's desk and you do not need sinks, you do not need all this other business.

For that reason I think the future in this whole feeding business, and I am on a hospital subcommittee where we are doing the same thing there, the business of investing huge sums of money in equipment that is used only a limited period of time is in contracting this

business out to private firms that can do it better, cheaper and more effectively.

I think that the gentlelady will find that trend continuing as we go into the last third of the 20th century.

Mr. DAVIS. This, too, the schools are quite interested in, and we have been encouraging to meet this very need the more extensive use of what in the trade are called "convenience foods," even down to and including a complete prefabricated meal.

I think this, however, gets confused with someone outside moving in and managing the program.

The one is buying prepared foods, the other is bringing in someone to manage. This is where the controversy lies.

Mrs. MINK. One final question, Mr. Chairman.

I notice in your statement you have said that the Department has now issued guidelines to the States incorporating the substance of the first section of H.R. 515.

One of the paragraphs in the first section which has a great deal of concern for me is the section that deals with the matter of not creating any system which overtly identifies the child by special tickets or otherwise marking the child as a poor youngster.

I wonder how you handle this situation in your guidelines?

Mr. DAVIS. Our guidelines follow very closely the provision in H.R. 515 where we make some suggestions. We also give some examples of this sort of thing that would be considered identifying the child and that would not be tolerated.

Beyond that we require the local school board to submit a specific plan as to what method they are going to use. This is being reviewed. If it does not guarantee the anonymity of the child then we will take action to see that some other better means is found.

Mrs. MINK. Could you give the committee some illustrations of what kinds of plans would be acceptable under your guidelines?

Mr. DAVIS. Where all of the meals are sold on the basis of tickets and all the same color tickets, unidentifiable, and the children who need the free lunch would be given their tickets free while the others purchased theirs.

Going through the line there would be no way of identifying one from the other. Of course, some of the provisions would be that you could not put the free lunch children through a special line or at a different time or different colored tickets, or anything like that. This might be one way of handling it.

Mrs. MINK. Thank you.

Chairman PERKINS. Mr. Landgrebe, you wanted to make an observation?

Mr. LANDGREBE. I would like some clarification on this change in section 7. Could you give us a brief explanation of what the change is here? Maybe you did not hear my question, I am sorry.

A brief explanation of section 7 and how it differs from the original bill?

Mr. DAVIS. Mr. Vanneman, do you want to explain that?

Mr. VANNEMAN. You are referring to the provision at the bottom of page 6?

Mr. LANDGREBE. Right.

Mr. VANNEMAN. It says, "The Secretary is authorized to prescribe terms and conditions respecting the use of commodities donated under said section 32 and section 416 of the Agricultural Act of 1949 as will maximize the nutritional and financial contributions of such donated commodities in schools receiving such commodities."

Mr. LANDGREBE. No, section 7, "State tax revenues appropriated specifically used for program purposes in the school shall equal at least 4 percent of the matching requirement and going up to 10 percent."

Mr. VANNEMAN. That specific provision means in effect the current matching ratio is \$3 of State money for \$1 of Federal money. Four percent of that ratio is 12 percent of the Federal funds which must be matched, State level tax funds.

This rises gradually up to the point where the States would be required to put up 30 cents on each Federal dollar. This is for the purpose of encouraging States to put more financing into the school lunch program.

Mr. LANDGREBE. In other words, some States do not have any?

Mr. VANNEMAN. Some States as of now do not provide any money from the State level for support of the school lunch program.

Mr. LANDGREBE. In order for a State to qualify it would be necessary then for them to go up for a period of time up to as much as 20 percent of the actual—

Mr. VANNEMAN. Up to as high as 30 percent of the Federal funds.

But again, this percentage would be adjusted in accordance with the income level of the State. The poorer States would really in the final analysis have to match only about as much as 20 percent.

Mr. LANDGREBE. Now, there is no thought given in this bill to a standardization of local funds, is there?

Mr. VANNEMAN. No; this does not apply to local. Only to the State level.

Mr. LANDGREBE. Thank you.

Chairman PERKINS. Thank you, gentlemen, very much, for your appearance here today. You have been before us before and you will be back again shortly.

It is our purpose to get this bill marked up next Tuesday. I certainly appreciate your coming.

Mr. LENNARTSON. Thank you, sir.

Chairman PERKINS. At this point I am pleased to submit for inclusion in the record the statement of our colleague Congressman Abner Mikva of Illinois.

(Congressman Mikva's statement follows:)

STATEMENT OF HON. ABNER J. MIKVA, A REPRESENTATIVE IN CONGRESS FROM THE
STATE OF ILLINOIS

Mr. Chairman, it is my pleasure to have the opportunity to submit this statement for inclusion in the Committee's hearings on amendments to the National School Lunch Act. My reason for submitting this statement is to explain to the Committee, and to its distinguished Chairman, the need for my bill—a need which has been demonstrated by an unfortunate situation in my home State of Illinois.

Before I describe the circumstances which gave rise to H.R. 4832, I should note how delighted I was to find that my bill coincides in intent, if not in detail, with proposals of the Chairman of this Committee, Mr. Perkins. I have seen that section 1 of the Chairman's bill, H.R. 515, is designed to incorporate into the statute more specific procedures by which local school authorities will determine eligibility for free or reduced-price school lunches. Section 1 will also incorporate

into the law safeguards on the anonymity of children who are intended to benefit from the school lunch program. My bill, H.R. 4832, would also attempt to safeguard the anonymity of benefiting children, but would do so in a more explicit way than the language contemplated in section 1(b) of H.R. 515. The reason I believe this more explicit protection is necessary is described below.

Last October, the Department of Agriculture, in an attempt to rationalize the procedures by which eligibility for the Free School Lunch Program is determined, published amendments to its regulations governing the program. These regulations required that local school authorities establish a written policy for determining which children at schools under its jurisdiction would qualify for free or reduced price lunches and which would not. The idea was obviously to make certain that eligibility was being determined on a fair basis, and that no irrelevant factors were being considered in determining such eligibility. The new Department of Agriculture regulations specified that such criteria as "level of family income (including welfare grants), the number in the family unit, and the number of children in the family in attendance," should be considered.

The new Agriculture regulations were not intended to require that families of children who are free school lunch recipients identify themselves, or that the families be required to file detailed written applications which negate the protection of the children's identity. In fact the new regulations specifically required that the new policies "protect the anonymity of the children receiving free or reduced price lunches in order that such children shall not be identified as such to their peers."

This Committee is certainly familiar with these two requirements of the Agriculture regulations—the written policy and the protection of recipients' anonymity—since some of the regulation's language is included in section 1 of H.R. 515. What the Committee may not be familiar with is how these regulations were misinterpreted by state education officials, and how this misinterpretation placed local school officials in the embarrassing position of asking families of free school lunch recipients to apply for benefits under the program. I can testify to this misinterpretation and this embarrassment, because it happened in the State of Illinois.

Upon receipt of the Department of Agriculture requirements, the Office of the Illinois Superintendent of Public Instruction prepared a lengthy letter to all school authorities who were then participating in the National School Lunch Program. This letter described the written policy requirement of the new Agriculture regulation, but apparently overlooked completely the provision to protect the anonymity of the children involved. Superintendent Page's letter included a sample policy statement for local school boards to use, and a sample application statement for families of free school lunch recipients. Although the letter stated that "a written application is not mandatory," it went on to add that "we believe that the use of such an application will ease the task of the person responsible for the determinations." In other words, Mr. Chairman, for the sake of administrative convenience the express safeguard of the child's anonymity in the Agriculture regulations was ignored. How would it be possible for a child's family to submit a written application for free school lunches and still have the anonymity of the children involved be protected? I submit that it is not possible.

The Superintendent's letter is attached as Exhibit 1 to my statement. I believe that anyone who reads it will agree that it was a fair interpretation to say that the State was encouraging local school authorities to require applications from families of potential free school lunch recipients. Thus the Board of Education of the City of Chicago felt helpless to do anything except require the onerous and distasteful "application for free school lunches" which the State had recommended. I include as Exhibit 2 a copy of a news story from the Chicago Daily News which describes the dismay of some Chicago School Board members at having to "require" families to "apply" for free school lunches for their children.

Mr. Chairman, mandatory applications for free lunches are completely at odds with Congress' express intent in passing and funding the National School Lunch Act. Both the Act and the Department of Agriculture regulations make clear that beneficiaries of the program are not to be identified. The worthy goals of the Department of Agriculture in attempting to rationalize the selection procedure for free school lunch recipients should not be allowed to cloak a procedure which will surely result in the identification of the children receiving free or reduced price lunches. The information on family income and welfare status which the Agriculture regulations contemplate is available from city and

State welfare agencies—there is simply no need to require parents to furnish this information. No need, that is, except administrative convenience.

Unfortunately the misinterpretation of Congressional intent which the Illinois State requirements demonstrate was not remedied by the new Secretary of Agriculture. Hoping that the unhappy situation which arose in Illinois might be corrected by administrative action, I wrote to the Secretary of Agriculture to ask that he clarify the import of Agriculture's October change in National School Lunch regulations. To my regret, Mr. Chairman, Under Secretary Phil J. Campbell answered my letter in a most unresponsive way. I have included Under Secretary Campbell's letter with my testimony as Exhibit 3, but I quote the following crucial sentences to make a point:

Amendment 8 to the regulations was not intended to prohibit school boards from requesting financial information from free lunch applicants. In fact, a school board needs financial information on families who are applying for free or reduced price lunches.

The point, as I tried to explain in my letter to Secretary Hardin, is not that the boards need information on a family's financial status—I certainly agree. The point is: where will the board get this information? Mr. Campbell seems to assume that if a local board is to have the information, it must come from the family itself. This is not so. The information is available from other public agencies. What is more, Mr. Chairman, if the school board does require "financial information from free lunch applicants," as Under Secretary Campbell says they may under Department policy, then I say the anonymity of free lunch recipients which Congress so carefully sought to maintain will inevitably be destroyed.

The situation I have just described is what led to the introduction of my bill, H. R. 4832. Having carefully reviewed H. R. 515, I still feel that in order to guarantee that there are no repetitions of what happened in Illinois and Chicago, more explicit language than that contained in section 1(b) of H. R. 515 is necessary. After all, Mr. Chairman, if the Superintendent of Public Instruction in Illinois could misinterpret the Agriculture regulations, it seems to me he and others could misinterpret the statutory language proposed in H. R. 515. The new sentence which my bill adds to Section 9 of the National School Lunch Act specifically covers the situation which I have described above, and would eliminate all doubt about the Congress' feeling on the matter of "applications for free school lunches." This sentence reads as follows:

Nor shall any child's family be required to provide personally to local school authorities information which is available from other public agencies regarding the family's income and public assistance or welfare status.

Finally, Mr. Chairman, the strongest argument which I can make for my more specific language is that any less explicit language will run the risk of endangering the central purpose of the free school lunch program. What I am saying is that the kind of application requirement which the State of Illinois has told local school authorities they must establish will ultimately deprive many needy children of the benefits of the free school lunch program. When families that are already degraded by the demeaning tests and oaths which unfortunately form part of our present welfare systems are now asked to apply for free school lunches for their children, many of them simply will not do it. Contrary to the popular image, many of these families are proud, and will suffer no more humiliation than they must to receive the meager welfare benefits we now confer upon them. The free school lunch application would be just one more indignity to add to the rest—and I submit that many families would not apply even for the benefit of their own children.

For all the reasons I have outlined, Mr. Chairman, I urge the Committee as it proceeds to consideration of H.R. 515, to think about substituting the language of H.R. 4832 for the present language of section 1(b) of your bill. I say this because I feel that anything less than the explicit language of my bill not make it crystal clear to State and local authorities that there can be no compromise with the anonymity requirements of the Act. The most important reason for enforcing this strict anonymity requirement, as I have argued, is that it is the only way to guarantee that the National School Lunch Program will benefit those whom it was intended to benefit—the needy children of this Nation.

EXHIBIT 1

STATE OF ILLINOIS,
OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION,
Springfield.

DEAR SPONSOR: In the Application/Agreement to participate in the National School Lunch Program, the Sponsor agrees to: (a) supply lunches without cost or at reduced price to all children who are determined by the school authorities to be unable to pay the full price thereof; and (b) make no discrimination against any child because of his inability to pay the full price of the lunch.

Recent research and publications have made us cognizant of the fact that many children are not receiving the meals and nutrition which they require. We are especially concerned with those children who are not receiving such meals because they cannot afford to pay for them.

Amendment 8 to the National School Lunch Act states that as a requirement for participation in the National School Lunch Program, each school must adopt, use and have on file a written policy, approved by the State Agency, outlining the criteria used in the attendance units under its jurisdiction to determine the recipients of free or reduced price school breakfasts and lunches. To assure that all needy children are provided free or reduced price meals on a uniform and consistent basis, the attached plan has been developed to assist local school officials in their determination of eligibility.

Additional funds have been appropriated to relieve Illinois schools of the financial burden consequent to serving more free and reduced price meals. If the addition of free and reduced price meals proves too costly to any school, additional financial assistance may be requested upon written application to this Office.

This policy sets forth procedural steps and provides uniform economic criteria for use by schools to determine the eligibility of children for free and reduced price meals, and to assure that there is no discrimination against such children. The policy of each school must include the following elements:

1. Criteria based on family income (including welfare payments), family size, etc. (a set of income eligibility standards appears on page 3 of the attached guidelines)
2. Designation of a local school official who is to be responsible for determining eligibility.
3. Outline of steps to be followed by the designated official in making his determination and in serving and collecting for free and reduced price meals in a manner which will protect children receiving such meals from being identified or discriminated against in any way.

A sample policy statement is attached. If you agree to follow the policy as outlined therein, please enter the name of the school or school district in the appropriate spaces; in Item 1, enter the title of the school official who will be responsible for determining eligibility; in Item 3, outline the method of collection which will be used and which will protect the anonymity of the children receiving free or reduced price meals. If you prefer, you may develop your own guidelines. The forms must be signed by the appropriate school officials and *two copies* sent to this Office by *February 1, 1969*. Upon approval by this Office, a copy will be returned to you. This copy must be maintained on file at the school.

Item 2 of the sample policy statement calls for the submission of a written application by the family requesting free or reduced price meals for children. Although a written application is not mandatory, we believe that the use of such an application will ease the task of the person responsible for the determinations. We have enclosed a sample application form you may use in developing such a form for use by your school. Applications should be simple and free of irrelevant questions. You may use the sample form with no changes if you so desire, or you may develop your own application.

Welfare Agencies should be consulted for information regarding families participating in welfare programs. All children from families receiving public assistance *should be given consideration* as possible recipients for free and reduced price meals. While a food allowance is included in the budget for children receiving Aid to Dependent Children assistance, it is not sufficient to pay the entire cost of the meals served at school. The following table indicates the lunch money which is included in the Aid to Dependent Children budget for children in various age groups:

	Family of 2	Family of 3 to 7	Family of 8 or more
Child ages 13 to 17:			
Lunch money in food allowance.....	\$0.28	\$0.25	\$0.25
Child ages 6 to 12:			
Lunch money in food allowance.....	.22	.20	.20

Children from families which are not participating in welfare programs or the Food Stamp or Commodity Distribution Programs, but which are at comparable income levels, should also be accorded consideration for free or reduced price meals.

Criteria established under this policy should allow for free or reduced price meals on an intermittent or emergency basis when justified because of illness, death in the family, or other temporary hardship factors.

The adopted guidelines must be made known to the parents of children in the school district and to school personnel involved in the determinations. The parents can be notified through a copy of the adopted policy sent to the homes of children in the school district.

We will appreciate your prompt cooperation.

Sincerely,

RAY SUDDARTH,
Director, Department of School Food Services.

GUIDELINES FOR FREE AND REDUCED PRICE MEALS

The _____ hereby assures the Office of the Superintendent of Public Instruction that the following policy to determine the eligibility of children for free or reduced price lunches and breakfasts under the National School Lunch Program and/or the School Breakfast Program will be observed in all schools in the above-named school district.

1. _____ has been designated to determine which individual children are eligible for free or reduced price meals according to this policy.

Title of Official

2. The school will provide, to patrons of the school who request them, forms on which to make application for consideration of eligibility of their children for free or reduced price lunches and/or breakfasts. Patrons will be notified individually of the acceptance or denial of their applications and, if the application is accepted, will be informed of the procedure to be followed by the child to receive such meals. If the application is denied, the patron will be informed of the name of the official to whom he may make an appeal for a review of the decision.

3. In making collections from children who pay for their meals, and in accounting for the number of free or reduced price meals served, the following procedure will be observed in order that no other child in the school will be made aware, by such procedure, of the identity of the children receiving free or reduced price lunches. Please explain the plan your school will adopt for collecting from paying students and accounting for free or reduced price lunches which will protect the anonymity of the children affected.

4. The policy set forth herein for determining the eligibility for free or reduced price meals, and the procedure to be followed by patrons wishing to apply for such determination, will be made known to *all patrons* of _____ before February 1, 1969.

Name of School

5. The names of children determined to be eligible for free or reduced price meals will not be published, posted, or announced in any manner.

6. Children receiving free or reduced price meals *will not be required*, as a condition of receiving such meals to:

- (a) Use a separate lunchroom or section of the lunchroom.
- (b) Go through a separate serving line.
- (c) Enter the lunchroom through a different entrance than is used by children who are paying the full price for meals.
- (d) Eat lunch at a different time from paying children.
- (e) Use a different medium of exchange in the lunchroom than is used by paying children.
- (f) Eat a different meal than is eaten by paying children.
- (g) Work for their meal as a condition to receive a lunch. *However* when possible and practicable, needy children, along with children who pay the full price of meals, may be given the opportunity to work in exchange for their lunches.

7. Children from families whose income level has qualified them for public assistance such as Aid to Dependent Child, General Assistance, etc., or from families participating in the Food Stamp or Commodity Distribution Programs will be given consideration in the determination of children eligible to receive free or reduced price meals.

8. The school will use the following income scale in determine children eligible for free or reduced price meals.

Size of household :	Maximum monthly net (take-home) income	Size of household :	Maximum monthly net (take-home) income
1 -----	\$139	6 -----	\$337
2 -----	182	7 -----	375
3 -----	212	8 -----	414
4 -----	259	9 -----	451
5 -----	299	10 ¹ -----	490

¹ To obtain maximum income limit for families in excess of 10 persons, add \$25 per person to the maximum allowable amount for a family of 10.

The school or school district will place the policy outlined in this assurance in effect before February 1, 1969.

(Name of School or District)

(Signature of School Official)

(Title)

(Date)

Approved: Office of the Superintendent
of Public Instruction.

By: -----
(Signature)

(Title)

(Date)

(NAME AND ADDRESS OF SCHOOL)

I hereby make application for free or reduced price meals, under the National School Lunch and/or the School Breakfast Program, for the child or children listed below, who are my children or my wards:

CHILD'S NAME

NAME OF SCHOOL ATTENDED

Household's monthly income from all sources including wages, Public

Assistance payments, Social Security, etc----- \$-----
 Number of persons in family, including children listed above-----
 Number of children in family who attend school-----
 (Check one box in answer to each of the following questions)
 I am receiving Public Assistance payments ☐ Yes ☐ No
 I am participating in the Food Stamp Program ☐ Yes ☐ No
 I am participating in the Commodity Distribution Program ☐ Yes ☐ No
 Does any special situation exist which makes the family ex-
 penses greater than normal? ☐ Yes ☐ No
 If the answer to the question immediately above is "yes," please explain.

If it is necessary for me to pay a reduced price for the meals served to the children listed above, I can afford to pay -----¢ per meal for each child.

 (Signature of Applicant)

 (Address of Applicant)

[From the Chicago Daily News, Jan. 23, 1969]

ON WELFARE? FREE-LUNCH RULE CALLS FOR IDENTITY CHECK

(By Henry De Zutter)

Welfare recipients will have to identify themselves to the Board of Education if they want their children to receive free school lunches.

This was part of a new free-lunch policy approved reluctantly Wednesday by the school board. Members said approval was necessary to comply with guidelines prepared by the office of Illinois Supt. of Public Instruction Ray Page.

Some board members complained that the policy seemed too much like "prying into the affairs of welfare recipients."

All applicants for the free school-lunch program have to list their monthly income. But special identification will now be required for welfare recipients and others who qualify for federal food stamps.

"I don't know why the income statement isn't sufficient," said Bernard Friedman, board member. "Why does the school board have to know if a family is receiving public assistance?"

The new state policy had to be approved to cover Chicago schools in the expanded national school lunch program.

DEPARTMENT OF AGRICULTURE,
 Washington, D.C., February 18, 1969.

HON. ABNER J. MIKVA,
 House of Representatives.

DEAR MR. MIKVA: I am pleased to reply to your letter of January 28 concerning the identification of children receiving free and reduced price lunches. The amendment to the Federal regulations governing the National School Lunch Program which you mention does provide for the protection of the identity of children receiving free and reduced price lunches in order that these children shall not be identified as such to their peers. The Federal standards and procedures for determining eligibility for free and reduced price lunches provide specific guidance for protecting the anonymity of these children. I am enclosing a copy of these standards and procedures for your reference.

Amendment 8 to the regulations was not intended to prohibit school boards from requesting financial information from free lunch applicants. In fact, a school board needs financial information on families who are applying for free or reduced price lunches. The regulations state that the criteria used in determining eligibility for free and reduced price lunches shall include, as a minimum, the level of family income (including welfare grants), the number in the family

unit, and the number of children in the family in attendance at the school. The school should obtain financial information in order to insure that free and reduced price lunches are provided to needy children on an equitable basis.

The Chicago Board of Education does have the right to request financial information from free lunch applicants. Even if welfare lists containing this necessary information were available, the problem would be to correctly associate the needy child or children with the proper parent making application to the school or schools for their children's free lunches. In asking for this information the Board is seeking to identify existing need, not to identify needy children. This does not mean that the child will be identified as needy to other children, only that his need will be made known to the proper authority who will then be able to provide him with a free or reduced price meal for which he is unable to pay the full price.

Thank you for writing to us on this matter. To make sure that there is no misunderstanding on the part of State and county officials, we are asking our Midwest Consumer Food Programs Office in Chicago to review the new procedures with the authorities involved.

Sincerely,

J. PHIL CAMPBELL, *Under Secretary.*

[H.R. 4832, 91st Cong., first sess.]

A BILL To amend title 42, United States Code, to limit the information which may be required by local school authorities from recipients of free or reduced price school lunches under the National School Lunch Act, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the National School Lunch Act (42 U.S.C. 1758) is amended by inserting before the period at the end of the third sentence the following: “; and no information shall be required by local school authorities from any child which shall identify him to his peers as a recipient of free or reduced price lunches. Nor shall any child's family be required to provide personally to local school authorities information which is available from other public agencies regarding the family's income and public assistance or welfare status”.

(Whereupon, at 10 a.m., the committee adjourned.)



SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS

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HEARINGS BEFORE THE COMMITTEE ON AGRICULTURE AND FORESTRY UNITED STATES SENATE NINETY-FIRST CONGRESS

FIRST SESSION

ON

S. 2152, S. 2548, S. 2595, H.R. 515,
and H.R. 11651

BILLS TO AMEND THE NATIONAL SCHOOL LUNCH ACT
AND THE CHILD NUTRITION ACT OF 1966

SEPTEMBER 29, 30, AND OCTOBER 1, 1969

Printed for the use of the Committee on Agriculture and Forestry



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WASHINGTON : 1969

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SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS

MONDAY, SEPTEMBER 29, 1969

U.S. SENATE,
COMMITTEE ON AGRICULTURE AND FORESTRY,
Washington, D.C.

The committee met, pursuant to notice, at 10:05 a.m., in room 324, Old Senate Office Building, Senator Allen J. Ellender (chairman) presiding.

Present: Senators Ellender (presiding), Holland, Talmadge, Miller, Dole, and Bellmon.

The CHAIRMAN. The committee will please come to order.

The purpose of this meeting is to hear testimony on various bills to amend the School Lunch Act. We have before us S. 2152, S. 2548, S. 2595, H.R. 515, and H.R. 11651. All of these bills are designed to improve our child-feeding programs, and particularly to advance our efforts to provide free or reduced price meals to needy children.

S. 2548 and H.R. 515 are similar in many respects. They both provide for matching from State revenues, transfer of funds from one program to another, extension of these programs to the Trust Territory of the Pacific, earlier appropriation, and apportionment on the basis of earlier data.

In addition, S. 2548 increases the Federal share of school lunch program costs, limits the price of reduced cost lunches to 20 cents, increases the authorization for nonfood assistance, and envisions expanded special assistance to needy children under Section 11 of the National School Lunch Act.

S. 2152 and S. 2595 provide for increased Federal donation of dairy products to nonprofit school lunch programs.

H.R. 11651 is applicable only to the current fiscal year 1970. It provides for the use of up to \$100 million of section 32 funds to improve the nutrition of needy children in nonresidential group situations. These funds would be apportioned among States on the basis of the number of children aged 3 to 17 in 1960 in families with incomes of less than \$3,000 in 1959, plus the number of children of those ages in families which received more than \$3,000 in aid to families with dependent children in 1968.

There will be inserted in the record at this point copies of the bills, committee staff analyses of them, a committee staff comparison of the major provisions of S. 2548 and H.R. 515, and reports on them from the Department of Agriculture.

(The material follows:)

[S. 2152, 91st Cong., first Sess.]

A BILL To amend the National School Lunch Act with regard to surplus dairy products, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the National School Lunch Act (42 U.S.C. 1758) be amended by adding at the end thereof the following:

"Dairy products acquired by the Commodity Credit Corporation through price-support operations shall, insofar as they can be used in domestic nonprofit school lunch programs, be accorded top priority for that purpose over any other disposition and so donated and used without regard to the possibility of domestic or export sale. To the extent that Commodity Credit Corporation stocks of dairy products are not adequate to supply the full needs of the domestic nonprofit school lunch program additional supplies shall be provided through purchases at market prices."

SENATE COMMITTEE ON AGRICULTURE AND FORESTRY

STAFF EXPLANATION OF S. 2152 (SUBCOMMITTEE NO. 3)

This bill requires that—

(1) dairy products acquired through price support operations be donated for use in domestic nonprofit school lunch programs to the maximum amount so usable in preference to any other donation or sale, and

(2) additional supplies shall be provided at market prices where Commodity Credit Corporation stocks are inadequate to supply the full needs of such programs.

The bill would apply to nonprofit school lunch programs, whether under the National School Lunch Act, or otherwise.

Section 416 of the Agricultural Act of 1949 now provides for the donation of food commodities acquired by the CCC through price support operations for use in domestic nonprofit school lunch programs and for other specified purposes, in order to prevent the waste of such commodities before they can be sold domestically or for export. The bill would have the effect of superseding the priority given by section 416 to sale, and give donation to school lunch programs priority over sale and over donation for any other use.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., September 29, 1969.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your requests on May 15 and July 12 for reports on S. 2152 and S. 2595.

S. 2152, a bill "To amend the National School Lunch Act with regard to surplus dairy products, and for other purposes", introduced by Senator Nelson on May 13, 1969, would provide that "Dairy products acquired by the Commodity Credit Corporation through price support operations shall, insofar as they can be used in domestic nonprofit school lunch programs, be accorded top priority for that purpose over any other disposition and so donated and used without regard to the possibility of domestic or export sale." It also would provide that "To the extent that Commodity Credit Corporation stocks of dairy products are not adequate to supply the full needs of the domestic nonprofit school lunch program additional supplies shall be provided through purchases at market prices."

S. 2595, a bill "To amend the Agricultural Act of 1949 with regard to the use of dairy products, and for other purposes", also introduced by Senator Nelson on July 11, would amend Section 416 of that Act to provide that "Dairy products acquired by the Commodity Credit Corporation through price support operations may, insofar as they can be used in nonprofit school lunch and other nonprofit child feeding programs, in the assistance of needy persons, and in charitable institutions, including hospitals to the extent that needy persons are served, be donated for any such use without regard to any limitation or priority contained in this section or in any other provision of law."

Subject to the minor changes indicated below, we recommend enactment of S. 2595.

Section 416 of the Agricultural Act of 1949 in effect provides for priority of sales over donations in the disposition of food commodities acquired under support programs. Section 416 authorizes donations of such food commodities for non-profit school lunch uses, to needy persons, and other uses in order to prevent the waste of the commodities "before they can be disposed of in normal domestic channels without impairment of the price support program or sold abroad at competitive world prices"

Dairy products have played a very important role in the school lunch, needy persons, and other food assistance programs for many years. Such products can contribute greatly toward the objective of eliminating hunger and malnutrition of the Nation's poor.

Usually supplies of dairy products acquired under the dairy price support program have been adequate for both sales and food assistance uses. Occasionally, however, CCC's inventories of dairy products have declined to such low levels that their use in some programs has had to be curtailed or temporarily interrupted.

Enactment of S. 2595 would help to assure continuing supplies of dairy products in the food assistance programs, at less cost to the Government than would be the case if CCC's inventories were completely exhausted through sales and then other authority were used to buy supplies in the market at higher prices for program uses. In order to be consistent with the punctuation of the language earlier in the section, a comma should be inserted after the word "Hospitals" in line 10. Also, in order to avoid the possibility of a broader effect than intended by the proposed amendment, we believe that the language at the end of the bill reading "without regard to any limitation or priority contained in this section or in any other provision of law" should be changed to read "prior to any other use or disposition."

S. 2595 is preferable to S. 2152 in several respects. It would more appropriately amend Section 416 of the Agricultural Act of 1949 which related to priority uses of commodities acquired through price support operations. It would include other food assistance programs as well as the school lunch program. It would be permissive rather than mandatory. S. 2595 would appropriately leave to administrative determination the priorities to be accorded from time to time to sales and donation uses of different products in the light of developments in relative nutritional needs in different products, available supplies of different foods, and market conditions.

The authority to purchase dairy products contained in S. 2152 is not needed, as section 709 of the Food and Agriculture Act of 1965 authorizes purchases at market prices for program uses when CCC's supplies are insufficient for such programs. This is continuing authority which is not contingent upon extension of other provisions of the Act beyond December 31, 1970.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of Administration's program.

Sincerely,

J. PHIL CAMPBELL, *Under Secretary.*

[S. 2548, 91st Cong., first sess.]

A BILL To amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such Acts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

AUTHORIZATION FOR ADVANCE APPROPRIATIONS; CARRYOVER AUTHORIZATION

SECTION 1. (a) Section 3 of the National School Lunch Act is amended by inserting at the end thereof the following: "Appropriations to carry out the provisions of this Act and of the Child Nutrition Act of 1966 for any fiscal year are authorized to be made a year in advance of the beginning of the fiscal year in which the funds will become available for disbursement to the States. Notwithstanding any other provision of law, any funds appropriated to carry out the provisions of this Act shall remain available for the purposes of this Act for which appropriated until expended.

(b) The first sentence of section 10 of the National School Lunch Act and the first sentence of section 12(d) (5) of such Act are each amended by striking the words "preceding fiscal year" and inserting in lieu thereof the following: "the fiscal year beginning two years immediately prior to the fiscal year for which the Federal funds are appropriated".

NONFOOD ASSISTANCE

SEC. 2. Section 5 of the National School Lunch Act is amended to read as follows:

"Sec. 5. There shall be available to the Secretary, out of funds appropriated pursuant to section 3 of this Act, for the purpose of providing nonfood assistance for the school lunch program provided for under this Act—

"(1) the sum of \$38,000,000 for use during the fiscal year beginning July 1, 1970, from funds appropriated for such fiscal year;

"(2) the sum of \$33,000,000 for use during the fiscal year beginning July 1, 1971, from funds appropriated for such fiscal year;

"(3) the sum of \$15,000,000 for use during the fiscal year beginning July 1, 1972, from funds appropriated for such fiscal year; and

"(4) the sum of \$10,000,000 for use during each succeeding fiscal year, from funds appropriated for such fiscal year.

Funds available to the Secretary under this section for any fiscal year shall be apportioned among the States as follows: Each State shall be entitled to an amount which bears the same ratio to the total amount to be apportioned among all the States as the number of schools programed for new or replacement food preparation facilities in such State bears to the total number of schools which need new or replacement food preparation facilities in all the States."

ADMINISTRATIVE EXPENSES, NUTRITION EDUCATION, AND DIRECT EXPENDITURES

SEC. 3. (a) The first sentence of section 6 of the National School Lunch Act is amended to read as follows: "The funds provided by appropriation or transfer from other accounts for any fiscal year for carrying out the provisions of this Act, and for carrying out the provisions of the Child Nutrition Act of 1966, other than section 3 thereof, less

"(1) not to exceed 3½ per centum thereof which per centum is hereby made available to the Secretary for his administrative expenses under this Act and under the Child Nutrition Act of 1966;

"(2) the amount apportioned by him pursuant to sections 4 and 5 of this Act and the amount appropriated pursuant to sections 11 and 13 of this Act and sections 4, 5, and 7 of the Child Nutrition Act of 1966; and

"(3) not to exceed 1 per centum of the funds provided for carrying out the programs under this Act and the programs under the Child Nutrition Act of 1966, other than section 3, which per centum is hereby made available to the Secretary to supplement the nutritional benefits of these programs through grants to States and other means for nutritional training and education for workers, cooperators, and participants in these programs and for necessary surveys and studies of requirements for food service programs in furtherance of the purposes expressed in section 2 of this Act and section 2 of the Child Nutrition Act of 1966.

shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools and service institutions participating in the food service programs under this Act and under the Child Nutrition Act of 1966 in accordance with the needs as determined by the local school and service institution authorities."

(b) Section 6 of the National School Lunch Act is further amended by inserting before the last sentence of such section a new sentence as follows: "The Secretary shall, to the maximum extent practicable, use his authority under this section to purchase highly nutritious foods, especially those foods with a high content of vitamin A or vitamin C."

STATE MATCHING REQUIREMENTS

SEC. 4. (a) The third sentence of section 7 of the National School Lunch Act is amended by striking out "\$3" and inserting in lieu thereof "\$1".

(b) Section 7 of the National School Lunch Act is further amended by inserting immediately before the last sentence of such section the following: "For the fiscal year beginning July 1, 1971, and the fiscal year beginning July 1, 1972, State revenues (other than revenues derived from the program) appropriated or utilized specifically for program purposes (other than salaries and administrative expenses at the State, as distinguished from local, level) shall constitute at least 10 per centum of the matching requirement; for each of the three succeeding fiscal years, at least 20 per centum of the matching requirement; for each of the subsequent three fiscal years, at least 30 per centum of the matching requirement; for each of the next subsequent succeeding three fiscal years, at least 40 per centum of the matching requirement; and for each fiscal year thereafter, at least 50 per centum of the matching requirement. The State revenues made available pursuant to the preceding sentence shall be disbursed to schools, to the extent the State deems practicable, in such manner that each school receives the same proportionate share of such revenues as it receives of the funds apportioned to the State for the same year under sections 4 and 11 of the National School Lunch Act and sections 4 and 5 of the Child Nutrition Act of 1966."

STATE ADMINISTRATIVE EXPENSES

SEC. 5. The first sentence of section 7 of the Child Nutrition Act of 1966 is amended (1) by inserting "or for the administrative expenses of any other designated State agency" immediately after "its administrative expenses"; and (2) by inserting "and service institutions" immediately after "local school districts".

ADDITIONAL PROGRAM REQUIREMENTS AND AUTHORITY

SEC. 6. (a) The second sentence of section 9 of the National School Lunch Act is amended by inserting "not exceeding 20 cents per meal" immediately after "or at a reduced cost".

(b) The third sentence of section 9 of the National School Lunch Act and the fourth sentence of section 13(f) of such Act and the fourth sentence of section 4(e) of the Child Nutrition Act of 1966 are each amended by striking out the period at the end of the sentence and inserting in lieu thereof a comma and the following: "nor shall there be any overt identification of any such child by special tokens or tickets, announced or published lists of names, or other means."

(c) Section 9 of the National School Lunch Act is further amended by inserting at the end thereof a new sentence as follows: "The Secretary is authorized to prescribe terms and conditions respecting the use of commodities donated under such section 32 and under section 416 of the Agricultural Act of 1949, as amended, as will maximize the nutritional and financial contributions of such donated commodities in such schools and institutions."

SPECIAL ASSISTANCE

SEC. 7. (a) Section 11(a) of the National School Lunch Act is amended by striking out "\$10,000,000 for the fiscal year ending June 30, 1963," and inserting in lieu thereof the following:

"\$200,000,000 for the fiscal year ending June 30, 1970;
"\$250,000,000 for the fiscal year ending June 30, 1971; and
"\$300,000,000 for the fiscal year ending June 30, 1972,".

(b) Section 11(e) of the National School Lunch Act is amended—

(1) by inserting "(1)" immediately after "(e)";

(2) by inserting in the first sentence, immediately before the period, the following: "and for the purpose of paragraph (2) of this subsection";

(3) by adding at the end thereof a new sentence as follows: "Such funds shall also be disbursed in such State to schools that are ineligible for such funds under the factors specified in the preceding sentence to assist such schools in providing free or reduced price meals to needy children attending such schools."; and

(4) by adding at the end of such subsection a new paragraph as follows:

"(2) In circumstances of severe need where the rate per meal which the school would otherwise receive is deemed by the Secretary to be insufficient to carry out an effective school lunch program in such school, he may authorize financial assistance up to 80 per centum of the operating costs of such program, including the cost of obtaining, preparing, and serving food. In the selection of schools to receive assistance under this section, the State educational agency

shall require applicant schools to provide justification of the need for such assistance."

REGULATIONS

SEC. 8. Section 10 of the Child Nutrition Act of 1966 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "and the National School Lunch Act, including regulations relating to the service of food in participating schools and service institutions in competition with the programs authorized under this Act and the National School Lunch Act. In such regulations the Secretary may provide for the transfer of funds by any State between the programs authorized under this Act and the National School Lunch Act on the basis of an approved State plan of operation for the use of the funds and may provide for the reserve of up to 1 per centum of the funds available for apportionment to any State to carry out special developmental projects."

RESEARCH AND TRAINING; NUTRITION SPECIALISTS; NATIONAL ADVISORY COUNCIL

SEC. 9. The National School Lunch Act is amended by adding at the end thereof the following new sections:

"RESEARCH AND TRAINING

"SEC. 14. (a) In order to assist State educational agencies in strengthening the leadership resources of State and local educational agencies and to assist such agencies in carrying out more effectively the purposes of this Act, the Secretary is authorized to make grants to State educational agencies for (1) research, surveys, and demonstration projects in the field of school food service, and (2) the dissemination of information obtained from school food service research programs.

"(b) Funds made available under this section may be used for establishing and maintaining research traineeships, planning and evaluation on a statewide basis, internships, personnel exchange programs, and graduate fellowships, and for the payment of stipends and allowances, including travel and subsistence expenses, to persons receiving training pursuant to this section. The amount of stipends and allowances paid in the case of persons receiving training under this section may not exceed maximum amounts prescribed by the Secretary.

"(c) There are hereby authorized to be appropriated for carrying out the provisions of this section in any fiscal year an amount not to exceed 1 per centum of the amount appropriated to carry out the provisions of this Act (not including this section) for such fiscal year and to carry out the Child Nutrition Act of 1966.

"NUTRITION SPECIALISTS

"SEC. 15. The Secretary may utilize funds appropriated under this section to assist local school districts under this Act and under the Child Nutrition Act of 1966 to employ personnel specially trained or educated in matters relating to the diet and nutrition of children. The Secretary is authorized to pay to the State educational agency of any State an amount not to exceed one-half of the expenses incurred by the local school districts of such State in employing such personnel. The Secretary shall prescribe by regulation the total number of such personnel which may be employed in any State, for purposes of assistance under this section, taking into consideration the school population of such State, the need for such personnel, and such other factors as the Secretary deems appropriate. There are hereby authorized to be appropriated such sums as may be necessary for the purposes of this section.

"NATIONAL ADVISORY COUNCIL

"SEC. 16. (a) There is hereby established a council to be known as the National Advisory Council on Child Nutrition (hereinafter in this section referred to as the 'Council') which shall be composed of thirteen members appointed by the Secretary. One member shall be a school administrator, one member shall be a person engaged in child welfare work, one member shall be a person engaged in vocational education work, one member shall be a nutrition expert, one member shall be a school food service management expert, one member shall be a State superintendent of schools (or the equivalent thereof), one member shall be a State school lunch director (or the equivalent thereof), one member shall

be a person serving on a school board, and five members shall be officers or employees of the Department of Agriculture especially qualified to serve on the Council because of their education, training, experience, and knowledge in matters relating to child food programs.

"(b) The eight members of the Council appointed from outside the Department of Agriculture shall be appointed for terms of three years, except that such members first appointed to the Council shall be appointed: three members shall be appointed for terms of three years, three members shall be appointed for terms of two years, and two members shall be appointed for terms of one year. Thereafter all appointments shall be for a term of three years except that a person appointed to fill an unexpired term shall serve only for the remainder of such term. Members appointed from the Department of Agriculture shall serve at the pleasure of the Secretary.

"(c) The Secretary shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Council.

"(d) The Council shall meet at the call of the Chairman but shall meet at least once a year.

"(e) Seven members shall constitute a quorum and a vacancy on the Council shall not affect its powers.

"(f) It shall be the function of the Council to make a continuing study of the operation of programs carried out under the National School Lunch Act, the Child Nutrition Act of 1966, and any related Act under which meals are provided for children, with a view to determining how such programs may be improved. The Council shall submit to the President and the Congress annually a written report of the results of its study together with such recommendations for administrative and legislative changes as it deems appropriate.

"(g) The Secretary shall provide the Council with such technical and other assistance, including secretarial and clerical assistance, as may be required to carry out its functions under this Act.

"(h) Members of the Council shall serve without compensation but shall receive reimbursement for necessary travel and subsistence expenses incurred by them in the performance of the duties of the Council."

INCLUSION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

SEC. 10. (a) The third sentence of section 4 of the National School Lunch Act is amended by striking the parenthetical phrase, "(exclusive of American Samoa for periods ending before July 1, 1967)" and inserting in lieu thereof the phrase, "(exclusive of the Trust Territory of the Pacific Islands for periods ending before July 1, 1974)".

(b) The fifth sentence of section 4 of the National School Lunch Act is further amended by striking clause (4) in the last sentence thereof, and inserting in lieu thereof the following: "(4) for the five fiscal years in the period beginning July 1, 1969, and ending June 30, 1974, the amount apportioned to the Trust Territory of the Pacific Islands shall be \$125,000 each year, which amount shall be first deducted from the funds available for apportionment in determining the amounts to be apportioned to the other States."

(c) The first sentence of section 11(b) and the first sentence of section 11(c) of the National School Lunch Act are each amended by striking the word "and" before the term "American Samoa" and by inserting ", and the Trust Territory of the Pacific Islands" after the term "American Samoa".

(d) The second sentence of section 11(b) of the National School Lunch Act is amended by revising the proviso at the end thereof to read as follows: "*Provided*, That for the fiscal year ending June 30, 1970, \$25,000 shall be apportioned to the Trust Territory of the Pacific Islands, which amount shall be first deducted from the total amount available for apportionment under this subsection."

(e) Section 12(d)(1) of the National School Lunch Act is amended by striking the word "or" that precedes the term "American Samoa" and by adding at the end of the sentence the following: ", or the Trust Territory of the Pacific Islands".

(f) The second sentence of section 12(d)(6) of the National School Lunch Act is amended by revising clause (ii) at the end thereof to read as follows: "(ii) the average annual per capita income for the Trust Territory of the Pacific Islands shall be disregarded in determining the average annual per capita income for all the States for periods ending before July 1, 1974."

(g) Section 4(b) of the Child Nutrition Act of 1966 is amended (1) by striking the word "and" before the term "American Samoa" wherever it appears, and inserting ", and the Trust Territory of the Pacific Islands" after the term "American Samoa" wherever it appears; and (2) by striking "\$45,000" and inserting "\$60,000".

(h) Section 5(b) of the Child Nutrition Act of 1966 is amended by striking the term "American Samoa" and inserting in lieu thereof "the Trust Territory of the Pacific Islands".

(i) Section 15(a) of the Child Nutrition Act of 1966 is amended by striking the word "or" that precedes the term "American Samoa" and by adding at the end of the sentence the following: ", or the Trust Territory of the Pacific Islands".

SENATE COMMITTEE ON AGRICULTURE AND FORESTRY

STAFF EXPLANATION OF S. 2548 (SUBCOMMITTEE NO. 3)

This bill would amend the National School Lunch Act and the Child Nutrition Act of 1966 to—

(1) reduce the local to Federal school lunch matching ratio from 3 to 1 to 1 to 1 (section 4);

(2) require that State revenues represent a percentage of the local matching requirements (beginning at 10 percent and rising to 50 percent) (section 4);

(3) authorize the Secretary to permit funds appropriated for any program under those Acts to be used by the States for any other such programs (section 8);

(4) authorize the use of up to 1 percent of school lunch and child nutrition Act funds for nutritional training and education and studies of food service requirements (section 3);

(5) provide for Federal grants to State educational agencies for (i) research, surveys, demonstrations, and information dissemination in the field of school food service, and (ii) employment of a limited number of personnel specially trained in matters relating to the diet of children (section 9);

(6) authorize use of up to 1 percent of the funds available for apportionment to States under those Acts for special developmental projects (section 8);

(7) increase appropriation authorizations for nonfood assistance under the school lunch Act and provide for apportionment on the basis of schools programmed for new or replacement facilities, instead of on basis of participation rate multiplied by assistance used rate (section 2);

(8) suggest increased appropriations for special assistance, provide for apportionment of such funds to all schools, and provide up to 80 percent of the cost of the program in certain cases of severe need (section 7);

(9) extend those Acts to the Trust Territory of the Pacific (section 10);

(10) authorize direct distribution of foods under section 6 of the school lunch Act to schools and service institutions participating in food service programs under the child nutrition Act and section 13 of the school lunch Act (section 3);

(11) limit price of "reduced cost" lunches to 20 cents (section 6);

(12) prohibit overt identification of children receiving free or reduced cost meals (section 3);

(13) authorize appropriations one year in advance of the fiscal year in which they will become available and make them remain available until expended (section 1);

(14) base the school lunch fund apportionment on the number of lunches served during "the fiscal year beginning two years immediately prior to the fiscal year for which the Federal funds are appropriated" rather than the "preceding fiscal year" (section 1);

(15) provide for a National Advisory Council on Child Nutrition (section 9); and

(16) make other minor amendments.

SECTION BY SECTION ANALYSIS

Section 1. *Advance Appropriations, Carryover, Participation Rate.* This section deals with the periods during which appropriations shall be made and shall be available and the period to be used in computing participation rates.

Subsection (a) authorizes the making of appropriations to carry out the National School Lunch Act and the Child Nutrition Act of 1966 up to one year in

advance of the beginning of the fiscal year in which they are to become available for disbursement to the States. It also provides that such appropriations shall remain available until expended.

Subsection (b) provides that the number of lunches to be taken into account in determining the "participation rate" under section 12 (5) (d), or the amount to be withheld and distributed to nonprofit private schools under section 10, of the National School Lunch Act shall be the number served during the "fiscal year beginning two years immediately prior to the fiscal year for which the Federal funds are appropriated" rather than the "preceding fiscal year". Use of data for the "preceding fiscal year" does not allow time for the data to be collected.

The objective of the section is to provide better planning by giving the States advance information as to the over-all amount of funds available and the amount available to each State.

Section 2. Increased Nonfood Assistance For Fiscal 1971-1973. Apportionment on Basis of Need.—This section increases the amounts authorized for nonfood assistance by section 5 of the National School Lunch Act to \$38 million in the fiscal year beginning July 1, 1970; \$33 million in the fiscal year beginning July 1, 1971; and \$15 million in the fiscal year beginning July 1, 1972. The amount now authorized for each fiscal year is \$10 million, and that amount would continue to be authorized for fiscal years beginning after June 30, 1973.

At present nonfood assistance funds are apportioned to each State upon the basis of its participation rate multiplied by its assistance need rate. Under the bill apportionment would be on the basis of the number of schools programed for new or replacement food preparation facilities.

Section 3. Administrative Expenses, Nutrition Education, and Direct Expenditures. This section would—

(1) increase the amount authorized for administrative expenses by section 6 of the National School Lunch Act by $3\frac{1}{2}$ percent of the amount appropriated to carry out section 13 of that Act and $3\frac{1}{2}$ percent of the amount appropriated to carry out the Child Nutrition Act of 1966 (other than section 3 of the latter Act);

(2) make such amount available for the Secretary's administrative expenses under the Child Nutrition Act of 1966 (as well as those under the National School Lunch Act);

(3) authorize use of up to 1 per centum of the funds appropriated for the National School Lunch Act and the Child Nutrition Act of 1966 (other than section 3 of the latter Act) for nutritional training and education and studies of food service requirements in connection with those programs;

(4) reduce (to the extent funds were used under the authority of this section for administrative expenses for other than the National School Lunch Act or nutritional training or education or studies) the share of National School Lunch Act appropriations which may be used for direct expenditure by the Secretary for agricultural commodities and other foods;

(5) authorize distribution of such foods to schools participating in food service programs under the Child Nutrition Act of 1966 (as well as those participating in programs under the National School Lunch Act) and to service institutions participating in programs under section 13 of the National School Lunch Act.

Suggested Amendment: On page 4, line 19, the period should be changed to a comma.

Section 4. State Matching Requirements. This section (1) reduces the portion of the cost of the school lunch program which must be met from local sources, and (2) requires State revenues to represent a prescribed minimum of such local funds.

At present each dollar apportioned to States under sections 4 and 5 of the National School Lunch Act must be matched by \$3 from sources within the State. Subsection (a) would reduce this to \$1 from local sources for each \$1 apportioned by the Federal Government.

At present no part of the local matching requirement is required to come from State revenues, and children's payments account for the greater part of the local funds. Subsection (b) would require State revenues to constitute at least 10 per centum of the matching requirement for each of the fiscal years beginning July 1, 1971 and July 1, 1972; 20 per centum for each of the three succeeding fiscal years (beginning in 1973, 1974, and 1975); 30 per centum for each of the next three succeeding fiscal years (beginning in 1976, 1977, and 1978); 40 per centum for each of the next three succeeding fiscal years (beginning in 1979, 1980, and 1981); and 50 per centum for each fiscal year thereafter. Amounts derived by the State from the program, or expended by it for salaries or administrative ex-

penses at the State level, would not count toward meeting the State revenue share of the matching requirement. In order to channel the State funds to schools having the greatest need in terms of numbers of children from low income families, the State funds would be required to be disbursed to each school, to the extent practicable, on the basis of its share of the funds apportioned for (1) the regular school lunch program (under section 4 of the school lunch Act); (2) special assistance to schools drawing from poor economic areas (under section 11 of the school lunch Act); (3) the school breakfast program for needy children (under section 4 of the child nutrition Act); and (4) the nonfood assistance program for schools drawing from poor economic areas (under section 5 of the child nutrition Act).

Section 5. State Administrative Expenses. This section authorizes the Secretary to utilize funds appropriated under section 7 of the Child Nutrition Act of 1966 (1) for advances for administrative expenses of any other designated State agency (as well as for those of the State educational agency), and (2) in the case of either State agency, for its administrative expenses in supervising and giving technical assistance to service institutions (as well as to local school districts).

This would permit agencies engaged in the distribution of commodities to local schools or service institutions to get administrative expense assistance for that part of their function which is involved in supervising and giving technical assistance to the local school districts and service institutions. Under the present law, this can be done if the State Educational Agency is also the State distributing agency, but in some States, the State distributing agency to schools and service institutions is the State Department of Agriculture or other agency outside of the educational agency. There are differences among States based purely on organizational differences rather than on functions performed in relation to these programs. This section would correct the present inequitable treatment as among the States.

The addition of the phrase "and service institutions" in the first sentence of section 7, as described in (2) above, serves merely to clarify the present law.

Section 6. Maximum Price of Reduced Cost Lunch. Overt Identification. Maximum Utilization of Donated Commodities.—This section (1) imposes a maximum price of 20 cents on reduced cost school lunches; (2) prohibits overt identification of children receiving free or reduced cost meals; and (3) specifically authorizes the Secretary to require commodities donated under section 32 of P.L. 74-320 and section 416 of the Agricultural Act of 1949 to be so used as to maximize their nutritional and financial contribution.

Section 9 of the National School Lunch Act requires school lunches to be served without cost or at a reduced cost to children unable to pay the full cost. Subsection (a) of this section of the bill provides that where lunches are so made available at reduced cost, the reduced cost shall not exceed 20 cents per meal.

Sections 9 and 13 (f) of the National School Lunch Act and section 4 (e) of the Child Nutrition Act of 1966 provide, respectively, in the case of the school lunch, special food service, and school breakfast programs, that no physical segregation of, or other discrimination against, any child shall be made because of his inability to pay. Subsection (b) of this section of the bill in each of these cases adds the further prohibition that there shall be no overt identification of the child by special tokens, lists of names, or other means.

Subsection (c) amends section 9 of the National School Lunch Act to authorize the Secretary specifically to prescribe terms and conditions respecting the use of commodities donated under section 32 of the Act of August 24, 1935 and section 416 of the Agricultural Act of 1949 to maximize the nutritional and financial contributions of such commodities in schools and other institutions receiving them. The Secretary already has this authority under section 12(b) of the National School Lunch Act with regard to school lunch programs under that Act. With regard to other schools receiving Federally donated commodities the authority may not be as clear. No requirements have been prescribed over the many years of commodity distribution, for example, with regard to the nutritional balance of meals served in schools utilizing donated commodities other than in those schools which are also under the National School Lunch Program. The purpose of this section therefore appears to be to emphasize that the Secretary is authorized to prescribe such terms and conditions for food service in the non-National School Lunch schools which are receiving Federal assistance in the form of commodities.

Section 7. Increased Special Lunch Program Assistance.—This section—

(1) authorizes appropriations of \$200 million for fiscal 1970, \$250 million for fiscal 1971, and \$300 million for fiscal 1972 for special lunch program assistance under section 11 of the National School Lunch Act;

(2) extends the special assistance program to all schools; and

(3) authorizes special assistance up to 80 percent of the operating costs of the program in circumstances of severe need where the rate per meal which the school would receive is deemed insufficient for an effective school lunch program.

Section 11(a) of the National School Lunch Act authorizes unlimited appropriations to provide special assistance to schools drawing attendance from poor areas to help them meet their obligation to provide free or reduced cost lunches to poor children. Subsection (a) of this section of the bill limits such appropriations to \$200 million for fiscal 1970, \$250 million for fiscal 1971, and \$300 million for fiscal 1972. The limits which would be imposed by the bill are far in excess of past appropriations, so that the purpose of the bill would appear to be to suggest a higher level of appropriation, rather than to limit appropriations. Past appropriations for section 11 have been \$2 million for fiscal 1967, \$5 million for fiscal 1968, and \$10 million for fiscal 1969. Both Houses have approved \$44.8 million for fiscal 1970, but the appropriation Act for fiscal 1970 has not yet been finally passed and approved.

Section 11(e) of the National School Lunch Act provides that the selection of schools to receive special assistance funds and the amounts to be received by each (within a maximum amount per lunch established by the Secretary for all States) shall be determined by the State educational agency on the basis of five factors set out therein. Subsection (b)(3) of this section of the bill provides that special assistance funds shall also be disbursed in such State to schools that are ineligible on the basis of such five factors. The author of the bill stated at the time of introducing the bill that this provision requires that special assistance funds follow the needy child regardless of the school attended.

Subsections (b)(1), (2), and (3) of this section of the bill authorize the Secretary to use special assistance funds to finance up to 80 percent of the operating costs of the school lunch program in circumstances of severe need where the rate per meal which the school would otherwise receive is insufficient to carry out an effective school lunch program.

Suggested Amendment: Subsection (b)(3), which provides special assistance funds for "schools that are ineligible for such funds" under the factors now contained in section 11(e) of the Act, is inconsistent with section 11(e) and with section 11(a) (which limits the section to "schools drawing attendance from areas in which poor economic conditions exist"); and is not entirely clear as to the amount of funds such "ineligible" schools are to receive. If this provision is adopted, (1) section 11(a) should be amended to make the section applicable to all schools, (2) section 11(e) (1) and (2) (as added by the bill) should be amended to omit provision for the "selection" of schools; and (3) a formula should be provided for determining the amount of funds each school should receive.

Section 8. *Transfer of Funds From One Program to Another. Special Projects.*—
This section—

(1) amends the Child Nutrition Act to provide specific authority for regulations under the National School Lunch Act,

(2) specifically provides that such regulations and regulations under the Child Nutrition Act may include provisions relating to the service of food in participating schools and service institutions in competition with programs under those Acts, and

(3) provides that regulations under those Acts may provide for—

(A) transfer of funds by any State between programs authorized under those two Acts, and

(B) the reserve of up to 1 per centum of the funds available for apportionment to any State to carry out special developmental projects.

Under the present School Lunch Act, regulations have been issued pursuant to the authority to enter into agreements with the States which incorporate such program requirements as are reasonably necessary to effect the purposes of the Act. The Child Nutrition Act provides direct authority for issuance of regulations. This section is intended to make it clear that in both instances the regulations may include restrictions or limitations on types of food service in participating schools and service institutions that may be in competition with the National School Lunch program or the School Breakfast program under the Child Nutrition

Act. Such limitations might restrict the selling of candy, pop, or other food or beverage items which compete for the child's appetite and available lunch money during, for example, the lunch and breakfast periods.

The provision for transfer of funds provides for flexibility in the use of the Federal funds granted to the States as between the several programs authorized under these Acts, as for example: between the regular lunch program, the breakfast program, the non-school program, the nutrition training program, and the equipment assistance program. In order best to meet the nutritional needs of children, the amount of funds required in a State as between the several different programs may be difficult to pre-determine with precision. As a State gets food service programs established in its schools it will, for example, need less equipment assistance than a State which has many schools without food service. However, under the apportionment formulas, that State would still be provided with equipment assistance funds, when the real need may be for funds for serving additional lunches or breakfasts. Therefore, the bill would provide authority to the Secretary to develop and issue regulations that would permit funds apportioned to a State for one program (such as the school lunch program) to be used by it for an entirely different program (such as the non-school feeding program) on the basis of an approved State plan of operation.

The developmental projects referred to are not defined, and this provision contains broad authority. We understand that it contemplates pilot projects for improving the methods and facilities for providing food service to children. It might involve, for example, utilization of special fabricated food items; equipment, packaging, or delivery systems specially designed for school feeding, methods for providing greater choice in food selection or attaining increased participation; systems for accounting for free and reduced price lunches; or use of variable or incentive meal pricing for reimbursement rates. The objective would be to try out new approaches to improving these programs on a limited basis before they are incorporated into nationwide regulations or into statewide requirements. Generally, it is contemplated that such projects would be in specific localities selected cooperatively by Federal and State school lunch staffs. The initiative for a project might come from local, State, or Federal levels. The financing might be confined to a percentage of the Federal funds available for reimbursement to that locality, or to one percent or less of the funds apportioned to that State, or might consist of a joint financing arrangement from funds apportioned to more than one State, particularly if the contemplated improvement needs to be tried in more than one locality. In all instances it is intended that projects would be consistent with the objectives of the school lunch and child nutrition Acts.

Section 9. *Research and Training, Nutrition Specialists, National Advisory Council.*—This section adds new sections 14, 15, and 16 to the National School Lunch Act to provide for—

(1) Federal grants to State educational agencies for research, surveys, demonstrations, and dissemination of information in the field of school food service. Grant funds could be used for research traineeships, planning and evaluation, internships, personnel exchanges, and graduate fellowships. Appropriations for this purpose could not exceed one percent of the amounts appropriated for other purposes under the School Lunch Act and the Child Nutrition Act of 1966:

(2) Federal grants to State educational agencies to pay up to half the expenses incurred by local school districts in employing a limited number of personnel specially trained in matters relating to the diet of children; and

(3) a National Advisory Council on Child Nutrition to consist of 13 members (8 from specified fields related to children, education, and nutrition, and 5 from the Department). The Council would make a continuing study of programs under Acts under which meals are served to children and report annually to the President and Congress, recommending improvements.

Section 10. *Trust Territory of the Pacific Islands.* This section extends the National School Lunch Act and the Child Nutrition Act of 1966 to the Trust Territory of the Pacific Islands as follows:

Subsections (a) and (b) provide for apportioning \$125,000 annually of regular school lunch program funds to the Trust Territory until July 1, 1974. The formula applicable to other States, which is based on past participation, will not work for the Trust Territory until it has acquired a history of participation. Subsection (a) therefore excludes the Trust Territory from the formula applicable to other States until July 1, 1974.

Subsections (c) and (d) provide that the Trust Territory shall (1) share in 3 percent of the funds available for special assistance under section 11 of the school lunch act along with Puerto Rico, the Virgin Islands, Guam, and American Samoa; and (2) receive \$25,000 from the total funds available for section 11 for fiscal 1970, since the Trust Territory has no participation history as yet.

Subsection (e) amends the definition of "State" in the National School Lunch Act to include the Trust Territory.

Subsection (f) excludes the average annual per capita income for the Trust Territory from the computation of the "assistance need rate" for periods prior to July 1, 1974, since that rate would not be used in computing the Trust Territory's share of school lunch funds during such periods.

Subsection (g) provides that the Trust Territory will receive \$15,000 of the funds available each year for the school breakfast program, the same amount as that received by Guam, the Virgin Islands, and American Samoa.

Subsection (h) provides that funds for nonfood assistance under section 5(b) of the Child Nutrition Act of 1966 shall be apportioned to the Trust Territory in the same manner as to other States; but this will not work since the Trust Territory has no participation history and subsection (h) should be amended.

Subsection (i) redefines "State" in the Child Nutrition Act of 1966 to include the Trust Territory.

The special food service program under section 13 of the school lunch act already applies to the Trust Territory. The special milk program under section 3 of the child nutrition act would not be extended to the Trust Territory, since that section contains its own definition of "State".

Suggested Amendment: Amend subsection (h) for the reason stated above to read as follows (the figure "20,000" being suggested informally by the Department of Agriculture):

"(h) The first sentence of section 5(b) of the Child Nutrition Act of 1966 is amended by striking everything after the words 'except that' and inserting 'apportionment to the Trust Territory of the Pacific Islands for any fiscal year prior to the fiscal year beginning July 1, 1974, shall be in the amount of \$20,000.' "

SENATE COMMITTEE ON AGRICULTURE AND FORESTRY

STAFF COMPARISON OF MAJOR PROVISIONS OF S. 2548 AND H.R. 515

I. Provisions in both bills

The language and substance of the provisions of S. 2548 in many cases represent revisions of H.R. 515 which appear necessary to accomplish the purpose of H.R. 515. For instance, both bills have the objective of extending certain programs to the Trust Territory of the Pacific, but S. 2548 provides the detail necessary to accomplish that objective.

Both bills would amend the National School Lunch Act and the Child Nutrition Act of 1966 to—

(1) require that State revenues represent a percentage of the State matching requirements (beginning at 4 percent and rising to 10 percent in the case of H.R. 515; beginning at 10 percent and rising to 50 percent (of a smaller matching requirement) in the case of S. 2548);

(2) authorize the Secretary to permit funds appropriated for any programs under those Acts to be used by the States for any other such programs;

(3) authorize use of up to 1 percent of school lunch and child nutrition Act funds for nutritional training and education and studies of food service requirements;

(4) authorize use of up to 1 percent of available funds for "special developmental projects";

(5) extend those Acts to the Trust Territory of the Pacific;

(6) authorize direct distribution of foods under section 6 of the school lunch Act to schools and service institutions participating in food service programs under the child nutrition Act and section 13 of the school lunch Act;

(7) prohibit overt identification of children receiving free or reduced price meals;

(8) authorize appropriations one year in advance of the fiscal year in which they will become available; and

(9) use earlier data in computing the "participation rate" used in apportioning school lunch funds, in order to allow adequate time for the data to be collected.

II. Provisions in H.R. 515 only

H.R. 515 (but not S. 2548) would further amend those Acts to—

(1) provide for use of equitable, publicly announced policies for determining which children receive free or reduced price meals (as now provided by regulation); and

(2) require the Secretaries of Agriculture and Health, Education, and Welfare to cooperate in developing nutrition education materials and evaluating child feeding programs.

III. Provisions in S. 2548 only

S. 2548 (but not H.R. 515) would further amend those Acts to—

(1) reduce the local to Federal school lunch matching ratio to 1 to 1 (from 3 to 1);

(2) provide for Federal grants to State educational agencies for (i) research, surveys, demonstrations, and information dissemination in the field of school food service, and (ii) employment of a limited number of personnel specially trained in matters relating to the diet of children;

(3) increase appropriation authorizations for nonfood assistance under the school lunch Act and provide for apportionment on the basis of schools programed for new or replacement facilities (instead of on the basis of the participation rate multiplied by the assistance need rate);

(4) suggest increased appropriations for special assistance, provide for apportionment of such funds to all schools, and provide up to 80 percent of the cost of the program in certain cases of severe need;

(5) limit the price of "reduced cost" lunches to 20 cents; and

(6) provide for a National Advisory Council on Child Nutrition.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., September 29, 1969.

HON. ALLEN J. ELLENDER.

*Chairman, Committee on Agriculture and Forestry,
U.S. Senate.*

DEAR MR. CHAIRMAN: Your letter of July 8, 1969, requested a report on S. 2548 to amend the National School Lunch and Child Nutrition Acts in a number of respects.

The Department does not favor enactment of this bill in its present form. Although this Department believes steps should be taken to improve the child nutrition programs, and we favor many of the concepts in this bill, a number of the provisions of S. 2548 would present serious administrative and operational problems.

1. The first section of the bill provides that appropriations for the child food service programs may be made a year in advance and that the data upon which State apportionments are calculated shall be the program year completed two years immediately prior to the fiscal year for which the appropriation is requested. This section also provides that funds appropriated shall remain available until expended.

The Department does not object to the provisions of this section.

2. Section 2 provides for funding of section 5 or the nonfood assistance phase of the National School Lunch Act in the amounts of \$38 million for fiscal year 1970; \$33 million for fiscal year 1971; \$15 million for fiscal year 1972 and \$10 million for each succeeding fiscal year. The funds are to be apportioned to the States in amounts "which bear the same ratio to the total amount to be apportioned among all the States as the number of schools programed for new or replacement food preparation facilities in all the States."

The Department does not favor enactment of this provision.

Section 5 of the National School Lunch Act has not been funded since the first year after enactment and the appropriation bills for the Department of Agriculture have for many years carried an explicit prohibition against the use for section 5 purposes of any of the funds appropriated for the National School Lunch Program. On the other hand, section 5 of the Child Nutrition Act of 1966 authorizes assistance in the acquisition of food service equipment by low-income area

schools and carries permanent authorization authority. It also provides that States shall finance at least one-fourth of the cost of any equipment financed.

The Department believes this provision of the Child Nutrition Act is preferable to that contained in S. 2548, particularly since the latter in no way differentiates between those schools that can well afford to finance equipment and those that cannot. The use of the number of schools in the apportionment of funds rather than enrollment would also result in serious inequities in the disbursement of funds. Generally, we feel that the factor of enrollment or average daily attendance in schools without a food service combined with a need factor would better reflect the relative magnitude of need in each state.

3. Section 3(a) would authorize the Secretary to provide foods acquired by direct purchase under section 6 of this Act for use in school breakfast programs and to service institutions such as day-care centers, settlement houses and summer recreational projects.

This section also provides for a program of nutritional training and education for workers, cooperators and participants in the broadest sense.

The Department favors this provision.

Section 3(d) states that the Secretary shall, to the maximum extent practicable, use this authority to purchase "highly nutritious foods, especially those foods with a high content of vitamin A or vitamin C."

Both vitamins A and C are essential nutrients. However, as a practical matter, the greatest need lies in assisting schools in meeting the protein requirement. Meat and meat alternates are the most expensive elements of the meal and the most difficult for the schools to finance day-in and day-out. Foods with a good vitamin A content are, for the most part, more palatable to children when served raw rather than cooked. This means that procurement locally is more practical in many instances than a nation-wide purchase program. As for vitamin C, the recommended daily allowances for school-age children were substantially reduced by the Food and Nutrition Board of the National Research Council in 1968.

The Department does not believe that it is either necessary or advisable to designate in legislation specific nutrients for special attention. However, we will continue to place emphasis in the section 6 procurement program on foods rich in vitamins A and C as well as those including other important nutrients.

4. Section 4(a) provides for amending State matching requirements by gradually substituting a one-to-one State-Federal matching for the present three-to-one basis. Section 4(b) provides that State tax funds must be used to meet a portion of the matching requirement.

The Department favors utilizing State revenues in financing the National School Lunch Program. At present the States are more than achieving the existing matching requirement by relying on children's payments and local contributions. The Department believes that State revenues should bear at least a portion of what has always been designated the "State share" of National School Lunch costs. If the "State share" is properly borne by State revenues, children's payments and local contributions there will be no need to alter the present three-to-one matching requirement.

5. Section 5 is a technical and clarifying amendment with reference to assistance to State agencies for administrative expenses where more than one State agency is providing direct services to child food service programs.

The Department has no objection to this section.

6. Section 6(a) would place a ceiling of 20 cents on any reduced price meal offered under the School Lunch Program.

The Department does not favor this provision because it imposes a restriction that many schools may not be able to meet until the time comes that fully adequate funding from Federal, State and local sources is assured. This concept could more effectively be fulfilled through program regulations that can be adapted to changing situations.

Section 6(b) provides that in the child food service programs there shall be no overt identification of those children who receive free and reduced price meals.

The Department favors this approach but believes it should be strengthened by requiring that each school's policy and procedures with respect to eligibility for free and reduced price meals should be a publicly announced policy setting forth the specific criteria for eligibility. Only in this way can there be assurance that everyone in the community knows and understands the rules.

Section 6(c) provides a legislative base for strengthening regulations related to the donation of price support and Section 32 foods to schools that do not participate in the National School Lunch Program. The provisions of section 6(c)

would enable the Secretary to establish standards for these schools similar to the policies with respect to free meals and nutritional requirements as now apply to schools in the National School Lunch Program.

The Department favors this provision.

7. Section 7 proposes substantial changes in the administration of section 11 of the National School Lunch Act with respect to special financial assistance to particularly needy schools.

Section 7(a) authorizes \$200 million for section 11 in fiscal year 1970; \$250 million for fiscal year 1971 and \$300 million for fiscal year 1972.

Section 7(b) would, in effect, permit section 11 money to follow the child rather than restricting assistance to reach only eligible schools. Section 7(b) would also authorize reimbursement for up to 80 percent of the cost of operating a lunch program in situations of severe need.

The Department is sympathetic to the intent of these proposals. However, we believe it would be preferable to have an appropriation authority but to eliminate specific authorizations and to amend section 11 to eliminate the criteria involving school eligibility and substitute a simple, direct authority for the Secretary to provide additional assistance for any needy child in any participating school.

8. Section 8 authorizes the issuance of standards relating to the operation of separate food services in a school that are in direct competition with the non-profit programs assisted under the National School Lunch and Child Nutrition Acts.

The Department favors this provision.

9. Section 9 provides for assistance in a variety of ways to strengthen State and local administration and training in child food service programs.

At the present time, funds are available to assist in strengthening State administration of the food service programs directed primarily to needy children. The Department does not favor the extension of this type of assistance to the local level. Basically, this would involve the Department in financing a part of local administrative costs in thousands of individual school districts throughout the country.

Section 9 would also establish a National Advisory Council on child food programs. Although the Department does not object to the formation of such a Council, it is felt that the proposal should not specify in detail, as it does, the membership of such a Council. As the provision now stands, Council membership would draw from a very limited group of experts.

10. Section 10 extends school food service participation to the Trust Territory of the Pacific Islands. This is consistent with the authority in P.L. 90-302 to assist food service operations in the Trust Territories for children in pre-school and summer recreation programs.

There was not sufficient time prior to the hearing of this bill to obtain the advice of the Bureau of the Budget.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

[S. 2595, 91st Cong., first sess.]

A BILL To amend the Agricultural Act of 1949 with regard to the use of dairy products, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 1431), is amended by adding at the end thereof the following:

"Dairy products acquired by the Commodity Credit Corporation through price support operations may, insofar as they can be used in nonprofit school lunch and other nonprofit child feeding programs, in the assistance of needy persons, and in charitable institutions, including hospitals to the extent that needy persons are served, be donated for any such use without regard to any limitation or priority contained in this section or in any other provision of law."

(Note.—For departmental report on S.2595, see p. 2.)

[H.R. 515, 91st Cong., first sess.]

AN ACT To amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

FREE AND REDUCED-PRICE MEALS

(a) Section 9 of the National School Lunch Act (42 U.S.C. 1751) and section 4(e) of the Child Nutrition Act of 1966 (42 U.S.C. 1771) are each amended by inserting after the second sentence, a new sentence: "Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions."

(b) Section 9 of the National School Lunch Act is further amended by inserting before the period at the end of the former third sentence, and section 4(e) of the Child Nutrition Act of 1966 and section 13(f) of the National School Lunch Act are further amended by inserting before the period at the end of the former fourth sentences of each the following: "nor shall there be any overt identification of any such child by means such as special tokens or tickets or by announced or published lists of names".

(c) Section 13(f) of the National School Lunch Act is amended by inserting after the second sentence, a new sentence: "Such determinations shall be made by the service institution authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions."

APPROPRIATIONS AND MATCHING

SEC. 2. (a) Section 3 of the National School Lunch Act is amended by inserting at the end thereof: "Appropriations to carry out the provisions of this Act and of the Child Nutrition Act of 1966 for any fiscal year are authorized to be made a year in advance of the beginning of the fiscal year in which the funds will become available for disbursement to the States."

(b) Section 7 of the National School Lunch Act is amended by inserting immediately before the last sentence of the section the following:

"For each of the two fiscal years beginning July 1, 1970, State tax revenues appropriated or utilized specifically for program purposes in the schools or to defray the cost of intrastate distribution of federally-donated commodities to the schools shall equal at least 4 per centum of the matching requirement; for each of the two succeeding fiscal years, at least 6 per centum of the matching requirement; for each of the subsequent succeeding two years, at least 8 per centum of the matching requirement; and for each fiscal year thereafter, at least 10 per centum of the matching requirement. The State tax revenues, made available pursuant to the preceding sentence, shall be expended, to the extent the State deems practicable, proportionate to the State's allocation of Federal funds for programs authorized under sections 4 and 11 of the National School Lunch Act, section 4(a) as amended, and section 5 of the Child Nutrition Act of 1966."

(c) The first sentence of section 10 and section 12(d) (5) of the National School Lunch Act are amended by striking the words "preceding fiscal year" and inserting in lieu thereof the following: "latest completed program year immediately prior to the fiscal year in which the Federal appropriation is requested".

NUTRITION TRAINING AND EDUCATION

SEC. 3. Section 6 of the National School Lunch Act (42 U.S.C. 1755) is amended by striking the entire first sentence and inserting in lieu thereof the following: "The funds appropriated directly or by transfer from other accounts for any fiscal year for carrying out the provisions of this Act, and for carrying out the provisions of the Child Nutrition Act of 1966, other than section 3 thereof, less not

to exceed 3½ per centum thereof which per centum is hereby made available to the Secretary for his administrative expenses under this Act and under the Child Nutrition Act of 1966, less the amount apportioned by him pursuant to sections 4, 5, and 10 of this Act less the amount appropriated pursuant to section 11 and section 13 of this Act and sections 4, 5, and 7 of the Child Nutrition Act, and less not to exceed 1 per centum of the funds appropriated for carrying out the programs under this Act and the programs under the Child Nutrition Act of 1966 other than section 3 which per centum is hereby made available to the Secretary to supplement the nutritional benefits of these programs through grants to States and other means for nutritional training and education for workers, cooperators, and participants in these programs and for necessary surveys and studies of requirements for food service programs in furtherance of the purposes expressed in section 2 of this Act and section 2 of the Child Nutrition Act of 1966, shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools and service institutions participating in the food service programs under this Act and under the Child Nutrition Act in accordance with the needs as determined by the local school and service institution authorities."

INCLUSION OF TRUST TERRITORY

SEC. 4. (a) Section 12(d) (1) of the National School Lunch Act is amended by striking the word "or" that precedes the term "American Samoa" and by adding at the end of the sentence the following: "or the Trust Territory of the Pacific Islands."

(b) Section 15(a) of the Child Nutrition Act of 1966 is amended by striking the word "or" that precedes the term "American Samoa" and by adding at the end of the sentence the following: "or the Trust Territory of the Pacific Islands".

(c) The National School Lunch Act and Child Nutrition Act of 1966 are amended by inserting the phrase, "and the Trust Territory of the Pacific Islands" after the term "American Samoa" wherever that term appears in such Acts other than in the sections amended by subsection (a) and (b) of this section and other than the proviso in section 11(b) and in section 4 of the National School Lunch Act.

EQUIPMENT RENTAL

SEC. 5. Section 5(c) of the Child Nutrition Act of 1966 is amended by striking the period at the end of the first sentence and inserting at the end thereof "through purchase or rental."

STATE ADMINISTRATIVE EXPENSES

Sec. 6 (a) Section 7 of the Child Nutrition Act of 1966 is amended by inserting in the first sentence following the phrase "its administrative expenses", the following: "or for the administrative expenses of any other designated State agency", and by inserting after the phrase "the local school districts", the words "and service institutions".

(b) Section 7 of the Child Nutrition Act of 1966 is further amended by inserting at the end of the second sentence the following: "including additional activities undertaken in the distribution of donated commodities."

REGULATIONS

SEC. 7. (a) Section 9 of the National School Lunch Act is amended by inserting at the end thereof a new sentence: "The Secretary is authorized to prescribe terms and conditions respecting the use of commodities donated under said section 32 and section 416 of the Agricultural Act of 1949 as will maximize the nutritional and financial contributions of such donated commodities in schools receiving such commodities."

(b) Section 10 of the Child Nutrition Act of 1966 is amended by striking the period at the end thereof and inserting the following: "and the National School Lunch Act, including regulations relating to the service of food in participating school and service institutions in competition with the programs authorized under this Act and the National School Lunch Act. In such regulations the Secretary may provide for interchange of funds by any State between the programs authorized under this Act and the National School Lunch Act on the basis of an approved State plan of operation for the use of the funds and may provide for

the reserve from the apportionments to the States of not to exceed 1 per centum of available funds for special developmental projects."

COORDINATION OF EFFORT

SEC. 8. Section 6 of the National School Lunch Act is amended by inserting at the end thereof the following: "The Secretary of Agriculture and the Secretary of Health, Education, and Welfare shall cooperate in a coordinated effort: (1) to develop curricula, training programs, and materials to be made available to educational institutions for the improvement of training and education in nutrition for professional and para-professional persons engaged in school food service, and to be made available to State and local school systems upon their request for use in nutrition education and training for students; and (2) to evaluate the adequacy and effectiveness of food programs conducted under the authority of various Acts administered by the Department of Agriculture and the Department of Health, Education, and Welfare in meeting the nutritional and health needs of school children (including children in preschool programs)."

Passed the House of Representatives March 20, 1969.

Attest:

W. PAT JENNINGS,
Clerk.

SENATE COMMITTEE ON AGRICULTURE AND FORESTRY

STAFF EXPLANATION OF H.R. 515—SHORT EXPLANATION

This bill would amend the National School Lunch Act and the Child Nutrition Act of 1966 to—

(1) require that State tax revenues represent a percentage of the State matching requirements (beginning at 4 percent and rising to 10 percent);

(2) authorize the Secretary to permit funds appropriated for any programs under those Acts to be used by the States for any other such programs;

(3) authorize use of up to 1 percent of school lunch and child nutrition Act funds for nutritional training and education and studies of food service requirements;

(4) authorize use of up to 1 percent of available funds for "special developmental projects";

(5) extend those Acts to the Trust Territory of the Pacific;

(6) authorize direct distribution of foods under section 6 of the school lunch Act to schools and service institutions participating in food service programs under the child nutrition Act and section 13 of the school lunch Act;

(7) provide for use of equitable, publicly announced policies for determining which children receive free or reduced price meals (as now provided by regulation),

(8) prohibit overt identification of such children;

(9) authorize appropriations one year in advance of the fiscal year in which they will become available;

(10) base the school lunch apportionment on the number of lunches served in the "program year" completed last before the fiscal year in which the appropriation is requested, instead of those served in the fiscal year preceding the fiscal year for which apportionment is to be made;

(11) require the Secretaries of Agriculture and Health, Education, and Welfare to cooperate in developing nutrition education materials and evaluating child feeding programs; and

(12) make other minor changes.

SECTION-BY-SECTION ANALYSIS

Section 1. *Determination and Non-Identification of Free or Reduced Price Meal Recipients.* The first section of the bill provides for use of equitable, publicly announced policies for determining which children are unable to pay the full cost of school lunches, school breakfasts, and service institution meals served under the National School Lunch Act and the Child Nutrition Act of 1966. The substance and objectives of this section have already been adopted by administrative regulation.

Subsection (a) prescribes that determination of children unable to pay the full cost of school lunches and school breakfasts "shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level

of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions." *Subsection (c)* makes identical provision for determination by "service institution authorities" of children unable to pay the full cost of meals served in service institutions (day care centers, etc.) under section 13 of the National School Lunch Act.

Subsection (b) prohibits "overt identification . . . by means such as special tokens or tickets or by announced or published lists of names" of children unable to pay under the above mentioned programs.

Section 2. *Advance Appropriation—Matching from State Tax Revenues.*

Subsection (a) authorizes appropriation of funds for the National School Lunch Act and the Child Nutrition Act of 1966 a year in advance of the beginning of the fiscal year in which the funds will become available for disbursement to the States. As a precedent for this action, the House Committee report points to the Vocational Education Act Amendments of 1968, which granted advance funding authority to all programs administered by the Office of Education.

Subsection (b) requires that a percentage of the local matching requirements for each fiscal year be met from State tax revenues as follows:

For fiscal years ending June 30:

The percent of the Matching Requirement met by State Tax Revenues must be at least—

1971 and 1972	4 percent
1973 and 1974	6 percent
1975 and 1976	8 percent
1977 and thereafter	10 percent

At present the law requires matching "from any sources within the State determined by the Secretary to have been expended in connection with the school lunch program," and specifically permits inclusion of donated services, supplies, facilities, and equipment. Children's payments have provided the bulk of the matching requirements, accounting for 56 percent of the cost of the program in 1967. Present matching requirements provide for \$3 from State sources (decreased by the percentage by which the State per capita income is below the per capita income of the United States).

Subsection (b) further requires that such State tax revenues (1) be "appropriated or utilized specifically for program purposes in the schools or to defray the cost of intrastate distribution of federally-donated commodities to the schools"; and (2) be expended, "to the extent the State deems practicable, proportionate to the State's allocation of Federal funds for programs authorized under sections 4 and 11 of the National School Lunch Act, section 4(a) as amended, and section 5 of the Child Nutrition Act of 1966". These provisions are further discussed in connection with suggested amendments (2) and (3).

The House report states that the requirement of this subsection "would not apply in the case of programs conducted in nonprofit private and parochial schools." This is not entirely correct. This subsection requires that State revenues represent a portion of the matching required by section 7 of the National School Lunch Act, which in turn requires matching of funds apportioned to the State under sections 4 and 5 of that Act. In some States part of the funds so apportioned are disbursed by the State to nonprofit private schools and the State revenue matching requirement would apply to the Federal funds disbursed by the State to such nonprofit private schools just as it would to Federal funds disbursed to other schools. In other States, the Secretary, pursuant to section 10 of the National School Lunch Act, withholds funds from apportionment to the State for disbursement by the Secretary to private schools; and the State is not required to match funds so withheld. The schools are required by section 10 in such case, to match "in the proportion specified in section 7"; but they could not, of course, be required to use State revenues for that purpose. The State revenue matching provision would consequently not apply in the case of nonprofit private schools in States where section 10 is applicable.

Subsection (c) amends the definition of "participation rate" in section 12(d) of the National School Lunch Act and a somewhat similar provision in section 10 of that Act (relating to funds for nonprofit private schools) to take into account lunches served in the "latest completed program year immediately prior to the fiscal year in which the Federal appropriation is requested", rather than those served in the "preceding fiscal year". The House report does not indicate the reason for this change or what is meant by "program year"; but we under-

stand that (1) use, as at present, of the figures for the preceding fiscal year does not allow time for the data to be collected; and (2) "program year" is intended to correspond generally to the normal school year.

Suggested Amendments: (1) To make it clear that the State tax revenue matching requirement is intended to be part of, rather than in addition to, the existing matching requirement by which it is measured, the word "equal" on page 3, line 19, should be changed to "constitute".

(2) The provision that State tax funds shall be appropriated or utilized specifically for program purposes "in the schools" would appear to prevent their use for central food preparation, commodity purchase, and other activities occurring outside the schools. We do not believe that this was intended. Presumably, the objective of requiring that a part of the matching be met from State tax revenues is to substitute State tax funds for children's payments. At present, in most States, State administrative expenses are already provided by State tax funds, while most other costs are charged to the local school lunch account and financed largely from children's payments. The objective would appear, therefore, to be to include State tax funds expended for State administrative expenses from the new matching requirement, and to include only those expended for purposes which would otherwise be met from the local school lunch accounts.

The following amendment would accomplish this purpose, making it clear that the State tax funds could be used for obtaining commodities; transporting them, whether federally donated or not, to the schools; preparation inside or outside the school; and all other program purposes, whether performed inside or outside the school, except salaries and administrative expenses at the State level:

On page 3, beginning in line 17, with the word "in" strike out all through the word "schools" in line 19, and insert "(other than salaries and administrative expenses at the State, as distinguished from local, level)"

(3) Subsection (b) also requires that the State tax revenues be expended "to the extent the State deems practicable, proportionate to the State's allocation of Federal funds for programs authorized under sections 4 and 11 of the National School Lunch Act, section 4(a) as amended, and section 5 of the Child Nutrition Act of 1966". Expenditure of these funds for programs under the Child Nutrition Act of 1966 would be inconsistent with the earlier provision of subsection (b) that these funds be used specifically for program purposes (i.e. school lunch program purposes) and with the existing provision of section 7 of the National School Lunch Act that the matching funds be expended "in connection with the school-lunch program under this Act." There may also be some inconsistency in using them for section 11 purposes, since section 11 does not require matching. The House report and debate suggest that the basic intent of this provision may have been to channel the State tax funds to those schools with the greatest need in terms of numbers of children from low income families, and to do this by allocating these funds among schools in the same proportion that the schools share in funds apportioned pursuant to sections 4 and 11 of the School Lunch Act and sections 4 and 5 of the Child Nutrition Act of 1966. If this was the intention, the following amendment might be effective to carry it out:

Beginning on page 3 with line 25, strike out all through line 5 on page 4, and insert: "The State tax revenues made available pursuant to the preceding sentence shall be disbursed to schools, to the extent the State deems practicable, in such manner that each school receives the same proportionate share of such revenues as it receives of the funds apportioned to the State for the same year under sections 4 and 11 of the National School Lunch Act and sections 4 and 5 of the Child Nutrition Act of 1966."

(4) The term "program year" should be defined if it is to be used. Tying the participation rate to the program year completed last before the fiscal year in which the appropriation is requested makes the participation rate depend upon the time the appropriation is requested. Thus an appropriation for fiscal 1971 might be requested for advance appropriation in fiscal 1969, or in accordance with current practice in fiscal 1970, or as a supplemental in fiscal 1971. In order to provide a more definite rule consideration might be given to tying the participation rate to the fiscal year for which the funds are appropriated as follows:

On page 4, strike out the quoted material in lines 9 through 11 and insert the following: "the fiscal year beginning two years immediately prior to the fiscal year for which the Federal funds are appropriated".

(5) The requirement with respect to State tax funds would be effective with the fiscal year beginning July 1, 1970. In view of the fact that many States ap-

appropriate on a biennial basis, the Committee may wish to consider deferring this provision for an additional year. This could be done by the following amendment:

On page 3, line 15, strike out "1970" and insert "1971".

(6) We are advised that in some States, State revenues other than tax revenues are used for program purposes. An example is revenues from land rentals. The Committee may want to consider broadening the new matching provision to permit the use of any State revenues (other than revenues derived from the program). The following amendment would accomplish this purpose:

On page 3, line 16, strike "State tax revenues" and insert "State revenues (other than revenues derived from the program)".

On page 3, line 25, strike out "tax".

Section 3. *Administrative Expenses, Nutrition Education, and Direct Expenditures.* This section would—

(1) increase the amount authorized for administrative expenses by section 6 of the National School Lunch Act by $3\frac{1}{2}$ percent of the amount appropriated to carry out section 13 of that Act and $3\frac{1}{2}$ percent of the amount appropriated to carry out the Child Nutrition Act of 1966 (other than section 3 of the latter Act);

(2) make such amount available for the Secretary's administrative expenses under the Child Nutrition Act of 1966 (as well as those under the National School Lunch Act);

(3) authorize use of up to 1 per centum of the funds appropriated for the National School Lunch Act and the Child Nutrition Act of 1966 (other than section 3 of the latter Act) for nutritional training and education and studies of food service requirements in connection with those programs;

(4) reduce (to the extent funds were used under the authority of this section for administrative expenses for other than the National School Lunch Act or nutritional training or education or studies) the share of National School Lunch Act appropriations which may be used for direct expenditure by the Secretary for agricultural commodities and other foods;

(5) authorize distribution of such foods to schools participating in food service programs under the Child Nutrition Act of 1966 (as well as those participating in programs under the National School Lunch Act) and to service institutions participating in programs under section 13 of the National School Lunch Act.

Suggested amendments: There should either be a comma on page 4, line 24, before the word "less", or the word "less" should be changed to "and". Also the reference to section 10 in this section (although included in the existing law) appears to be incorrect technically and should be deleted. Section 10 does not provide for apportionment of funds but merely for withholding a part of the apportionment established under section 4 of the National School Lunch Act. In addition, the section refers to funds "appropriated directly or by transfer from other accounts." We understand that the objective is to make section 6 applicable to funds provided for the program without regard to whether the funds were appropriated for that purpose or were transferred from other accounts such as that for funds appropriated under section 32 of P.L. 320, 74th Cong. To accomplish this objective, the language "appropriated directly or by transfer from other accounts" should be changed to "provided by appropriation or transfer from other accounts."

Since the entire sentence is a complicated one containing several grants of authority, it might be well to simplify it by dividing it into its component parts as follows:

"The funds provided by appropriation or transfer from other accounts for any fiscal year for carrying out the provisions of this Act, and for carrying out the provisions of the Child Nutrition Act of 1966, other than section 3 thereof, less

(1) not to exceed $3\frac{1}{2}$ per centum thereof which per centum is hereby made available to the Secretary for his administrative expenses under this Act and under the Child Nutrition Act of 1966.

(2) the amount apportioned by him pursuant to sections 4 and 5 of this Act and the amount appropriated pursuant to sections 11 and 13 of this Act and sections 4, 5, and 7 of the Child Nutrition Act, and

(3) not to exceed 1 per centum of the funds provided for carrying out the programs under this Act and the programs under the Child Nutrition Act of 1966, other than section 3, which per centum is hereby made available to the

Secretary to supplement the nutritional benefits of these programs through grants to States and other means for nutritional training and education for workers, cooperators, and participants in these programs and for necessary surveys and studies of requirements for food service programs in furtherance of the purposes expressed in section 2 of this Act and section 2 of the Child Nutrition Act of 1966, shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools and service institutions participating in the food service programs under this Act and under the Child Nutrition Act in accordance with the needs as determined by the local school and service institution authorities."

Section 4. *Trust Territory of the Pacific Islands.* This section purports to extend the National School Lunch Act and the Child Nutrition Act of 1966 to the Trust Territory of the Pacific Islands, but does not achieve that objective. The formula for apportionment of funds set out in section 4 of the National School Lunch Act involves use of a "participation rate" reflecting the number of lunches served during a prescribed prior year by schools participating "in the program under this Act in the State". Since the Trust Territory has not been covered by the Act in past years, its participation rate would be zero unless special provision is made therefor. Several other provisions of the School Lunch and Child Nutrition Act programs also tie to this participation rate.

The Trust Territory of the Pacific is now covered by section 13 of the National School Lunch Act, which provides for the special food service program for children in day care centers and similar institutions and therefore can receive funds for State administrative expenses under section 7 of the Child Nutrition Act of 1966.

If the intention is to extend all phases of the school lunch and Child Nutrition Act programs to the Trust Territory of the Pacific as has been done to other off-shore territories, it is suggested that special provisions be included to do so. This was done when the programs were extended to American Samoa.

It should be noted that the "Changes in Existing Law" in the House Committee report does not conform to the House bill, since it (1) shows Trust Territory insertions in section 4 and in the proviso in section 11 (b) of the National School Lunch Act contrary to section 4 (c) of the bill and (2) does not show such insertions in section 13 of the National School Lunch Act, contrary to section 4 (c) of the bill.

Suggested amendment: The following amendment, which incorporates amounts suggested informally by the Department of Agriculture, would accomplish the objective of this section:

Strike section 4 of the bill in its entirety, beginning with line 21 on page 5 through line 12 on page 6, and substitute the following:

Sec. 4. (a) Section 4 of the National School Lunch Act is amended by striking the parenthetical phrase, "(exclusive of American Samoa for periods ending before July 1, 1967)" and inserting in lieu thereof the phrase, "(exclusive of the Trust Territory of the Pacific Islands for periods ending before July 1, 1974)".

(b) Section 4 of the National School Lunch Act is further amended by striking clause (4) in the last sentence thereof, and inserting in lieu thereof the following: "(4) for the five fiscal years in the period beginning July 1, 1969, and ending June 30, 1974, the amount apportioned to the Trust Territory of the Pacific Islands shall be \$125,000 each year, which amount shall be first deducted from the funds available for apportionment in determining the amounts to be apportioned to the other States."

(c) The first sentence of section 11(b) and the first sentence of section 11(c) of the National School Lunch Act are each amended by striking the word "and" before the term "American Samoa" and by inserting the phrase, ", and the Trust Territory of the Pacific Islands" after the term "American Samoa".

(d) The second sentence of section 11(b) of the National School Lunch Act is amended by revising the proviso at the end thereof to read as follows: "Provided, That for the fiscal year ending June 30, 1970, \$25,000 shall be apportioned to the Trust Territory of the Pacific Islands, which amount shall be first deducted from the total amount available for apportionment under this subsection."

(e) Section 12(d) (1) of the National School Lunch Act is amended by striking the word "or" that precedes the term "American Samoa" and by adding at the end of the sentence the phrase, ", or the Trust Territory of the Pacific Islands".

(f) Section 12(d) (6) of the National School Lunch Act is amended by revising clause (ii) at the end thereof to read as follows: "(ii) the average annual per capita income for the Trust Territory of the Pacific Islands shall be disregarded

in determining the average annual per capita income for all the States for periods ending before July 1, 1974."

(g) Section 4(b) of the Child Nutrition Act of 1966 is amended (1) by striking the word "and" before the term "American Samoa" wherever it appears, and inserting the phrase, ", and the Trust Territory of the Pacific Islands" after the term "American Samoa" wherever it appears; and (2) by striking "\$45,000" and inserting "\$60,000".

(h) Section 5(b) of the Child Nutrition Act of 1966 is amended by striking the term "American Samoa" and inserting in lieu thereof the phrase, "the Trust Territory of the Pacific Islands".

(i) Section 15(a) of the Child Nutrition Act of 1966 is amended by striking the word "or" that precedes the term "American Samoa" and by adding at the end of the sentence the phrase, ", or the Trust Territory of the Pacific Islands".

Section 5. *Equipment Rental.* This section makes it clear that funds disbursed to a school under section 5(c) of the Child Nutrition Act for nonfood assistance may be used for equipment rental as well as equipment purchase.

Section 6. *State Administrative Expenses.*

Subsection (a) authorizes the Secretary to utilize funds appropriated under section 7 of the Child Nutrition Act of 1966 (1) for advances for administrative expenses of any other designated State agency (as well as for those of the State educational agency), and (2) in the case of either State agency, for its administrative expenses in supervising and giving technical assistance to service institutions (as well as to local school districts).

This would permit agencies engaged in the distribution of commodities to local schools or service institutions to get administrative expense assistance for that part of their function which is involved in supervising and giving technical assistance to the local school districts and service institutions. Under the present law, this can be done if the State Educational Agency is also the State distributing agency, but in some States, the State distributing agency to schools and service institutions is the State Department of Agriculture or other agency outside of the educational agency. There are differences among States based purely on organizational differences rather than on functions performed in relation to these programs. This subsection would correct the present inequitable treatment as among the States.

The addition of the phrase "and service institutions" in the first sentence of section 7, as described in (2) above, serves merely to clarify the present law.

Subsection (b) provides that the additional activities under sections 11 and 13 of the National School Lunch Act and sections 4 and 5 of the Child Nutrition Act of 1966 for which administrative expenses may be advanced shall include additional activities undertaken in the distribution of donated commodities. The House report does not explain the purpose of this provision. Section 13(c) (1) of the National School Lunch Act and section 4(c) of the Child Nutrition Act of 1966 provide for obtaining and distributing commodities. Section 7 of the Child Nutrition Act now authorizes advances for administrative expenses in supervising and giving technical assistance in the conduct of programs under those sections. Subsection (b) therefore does not appear to make any substantive change in the law.

Suggested amendment: Subsection (b) is ambiguous and constitutes surplusage which the Committee might wish to consider striking. If subsection (b) is retained, its form should be corrected to avoid insertion of a second period in the sentence being amended. This could be done by striking the first line on page 7 and the first word of the second line and substituting the following: "Is further amended by striking the period at the end of the second sentence and inserting".

Section 7. *Regulations.*

Subsection (a) amends section 9 of the National School Lunch Act to authorize the Secretary to prescribe terms and conditions respecting the use of commodities donated under section 32 of the Act of August 24, 1935 and section 416 of the Agricultural Act of 1949 to maximize the nutritional and financial contributions of such commodities. The House report does not indicate the need for, or objective of, this provision and misdescribes the section being amended. The Secretary would already appear to have this authority under section 12 (b) of the National School Lunch Act with regard to school lunch programs under that Act. With regard to other schools receiving Federally donated commodities the authority may not be as clear. No requirements have been prescribed over the many years of commodity distribution, for example, with regard to the nutritional balance of meals served in schools utilizing donated commodities

other than in those schools which are also under the National School Lunch Program. The purpose of this section therefore appears to be to emphasize that the Secretary is authorized to prescribe such terms and conditions for food service in the non-National School Lunch schools which nevertheless are receiving Federal assistance in the form of commodities.

Suggested amendment: The language of the House bill refers only to schools. Under section 13 of the School Lunch Act, service institutions are also eligible for commodities. If the Committee sees fit to retain this subsection, it may wish to extend it to cover "service institutions". This could be done as follows:

On page 7, line 11 and 12, strike the words "in schools receiving such commodities" and substitute the following: "in such schools and institutions".

Subsection (b)—

(1) amends the Child Nutrition Act to provide specific authority for regulations under the National School Lunch Act,

(2) specifically provides that such regulations and regulations under the Child Nutrition Act may include provisions relating to the service of food in participating schools and service institutions in competition with programs under those Acts, and

(3) provides that regulations under those Acts may provide for—

(A) interchange of funds by any State between programs authorized under those two Acts, and

(B) reserve from the apportionments to the States of not to exceed 1 per centum of "available funds" for "special developmental projects".

Under the present School Lunch Act, regulations have been issued pursuant to the authority to enter into agreements with the States which incorporate such program requirements as are reasonably necessary to effect the purposes of the Act. The Child Nutrition Act provides direct authority for issuance of regulations. This section is intended to make it clear that in both instances the regulations may include restrictions or limitations on types of food service in participating schools and service institutions that may be in competition with the National School Lunch program or the School Breakfast program under the Child Nutrition Act. Such limitations might restrict the selling of candy, pop, or other food or beverage items which compete for the child's appetite and available lunch money during, for example, the lunch and breakfast periods.

The provision for interchange of funds provides for flexibility in the use of the Federal funds granted to the States as between the several programs authorized under these Acts, as for example: between the regular lunch program, the breakfast program, the non-school program, the nutrition training program, and the equipment assistance program. In order best to meet the nutritional needs of children, the amount of funds required in a State as between the several different programs may be difficult to pre-determine with precision. As a State gets food service programs established in its schools it will, for example, need less equipment assistance than a State which has many schools without food service. However, under the apportionment formulas, that State would still be provided with equipment assistance funds, when the real need may be for funds for serving additional lunches or breakfasts. Therefore, the bill would provide authority to the Secretary to develop and issue regulations that would permit funds apportioned to a State for one program (such as the school lunch program) to be used by it for an entirely different program (such as the non-school feeding program) on the basis of an approved State plan of operation. The specific State plan would presumably be designed as may be determined necessary to meet more adequately the nutritional needs of the children of that State.

The House report does not describe the "special developmental projects" for which up to 1 percent of "available funds" could be authorized, and it does not appear what they are or whether they would necessarily be restricted to programs involving food, children, or other matters now provided for by the school lunch and child nutrition Acts. "Available funds" are not defined, but use of this term might indicate something different from the apportionments from which the 1 percent is reserved.

Based on informal inquiry to the Department of Agriculture, it is understood that the developmental projects referred to contemplate pilot projects for improving the methods and facilities for providing food service to children. They might involve, for example, utilization of special fabricated food items; equipment, packaging, or delivery systems specially designed for school feeding; methods for providing greater choice in food selection or attaining increased participation; systems for accounting for free and reduced price lunches; or use of variable or

incentive meal pricing and reimbursement rates. The objective would be to try out new approaches to improving these programs on a limited basis before they are incorporated into nationwide regulations or into statewide requirements. Generally, it is contemplated that such projects would be in specific localities selected cooperatively by Federal and State school lunch staffs. The initiative for a project might come from local, State, or Federal levels. The financing might be confined to a percentage of the Federal funds available for reimbursement to that locality, or to one percent or less of the funds apportioned to that State, or might consist of a joint financing arrangement from funds apportioned to more than one State, particularly if the contemplated improvement needs to be tried in more than one locality. In all instances it is intended that projects would be consistent with the objectives of the school lunch and child nutrition Acts.

Suggested amendments: (1) On page 7, beginning in line 23 with the word "from", strike all through line 25 and insert "for special developmental projects of up to 1 per centum of the funds available for apportionment to any State."

This would make it clear that the amount which could be reserved for "special developmental projects" could be 1 per centum of the total amount available for apportionment to each or any State.

(2) On page 7, line 20, strike the word "interchange" and insert the word "transfer".

This would make it clear that funds may be transferred from one program to another without any transfer back to the original program.

Section 8. *Coordinated Effort In Nutrition and Program Evaluation.* This section requires the Secretaries of Agriculture and Health, Education and Welfare to cooperate in a coordinated effort (1) to develop curricula, training programs, and materials for the "improvement" of nutrition training for professional and "para-professional" persons engaged in school service and for nutrition training for students; and (2) to evaluate the effectiveness of food programs under various Acts administered by them in meeting the nutritional and health needs of school children (including children in preschool programs).

While the language of this provision with respect to professional and "para-professional" workers is somewhat different from that with respect to "workers, cooperators, and participants" in section 3 of the bill, we would assume that the materials developed under section 8 of the bill could be used in the nutrition education of workers, cooperators, and participants under section 3, and also to students and school food service workers not participating in other programs under the school lunch and child nutrition Act.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., September 8, 1969.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of March 25, 1969, requested a report on H.R. 515 to amend the National School Lunch and Child Nutrition Acts in a number of respects.

The Department generally favors improvements in the child nutrition programs such as those incorporated in H.R. 515.

1. The first section of the bill clarifies responsibilities relating to providing free and reduced price meals and strengthens the prohibitions against identifying these children in any way. Although the basic child food service legislation—the National School Lunch Act—specifies that local school authorities shall determine those eligible for free and reduced price meals and prohibits any discrimination against any child because of his inability to pay, it has been found that procedures for determining eligibility vary widely as do the procedures followed, not always successfully, to avoid overt identification of these children to their classmates.

Local school authorities will still make the determination as to eligibility, but on the basis of a publicly announced plan and policy applied equitably in line with criteria that shall include as a minimum (1) family income, (2) family size, and (3) the number of children in the family attending school.

The bill expressly prohibits overt identification of children receiving free or reduced price meals and prohibits the use of special tokens or tickets or the announcement or publication of the names of these children.

2. Section 2 provides an improved basis for cooperative Federal-State-local financing of the regular school lunch program. The changes provide that State tax funds must be used to meet a portion of the present matching requirements under the basic school lunch apportionment formula. In the past, States have been able to meet the matching requirement almost entirely from children's payments. The change proposed would gradually increase, on a biennium basis, the level of State tax funds required and would reach the equivalent of 30 cents for each Federal dollar in fiscal year 1977. This level of matching would be adjusted downward for States with per capita incomes below the national average.

Section 2 also proposes that the State matching funds shall be expended, to the extent the State deems practicable, proportionate to the State's allocation of funds for programs authorized under several sections of the National School Lunch and Child Nutrition Acts.

Section 2 provides as well that appropriations for the child food service programs may be made a year in advance and that the data upon which State apportionments are calculated shall be the last completed program year prior to the request for Federal appropriations. Both of these proposals are needed to provide adequate time for State planning and for determining apportionments and the State matching requirements.

3. Section 3 represents an important step forward in a vital area by providing for the use of up to one percent of appropriations for food service, other than the special milk program, in grants to States and through other means, for nutritional training and education of workers, cooperators and participants in child food service programs.

This section also clarifies authority for a merged account for Federal operating expenses under child food service programs and provides authority to donate commodities acquired under Section 6 of the National School Lunch Act to participants in the special food service program under Section 13 of that Act.

4. Section 4 extends school food service participation to the Trust Territory of the Pacific Islands for the first time. This will be consistent with the new authority granted in P.L. 90-302 to assist food service operations in the Trust Territories for children in pre-school and summer recreation programs.

5. Section 5 broadens the present authority to assist low-income area schools in the acquisition of food service equipment by making it clear that such acquisition may be either through rental or purchase.

6. Section 6 is a technical and clarifying amendment with reference to assistance to State agencies for administrative expenses where more than one State agency is providing direct services to child food service programs.

7. Section 7 provides a legislative base for strengthening regulations related to the donation of price support and Section 32 foods to schools that do not participate in the National School Lunch Program. The provisions of Section 7 would enable the Secretary to require of these schools adherence to the same policies with respect to free meals and nutrition standards as is now required of schools in the lunch program. Section 7 also authorizes the issuance of regulations relating to the operation of separate food services in a school that are in direct competition with the nonprofit programs assisted under the National School Lunch and Child Nutrition Acts.

Also, section 7 authorizes the Secretary to provide for the interchange of funds by State agencies between various child food service programs on the basis of an approved plan. We believe that this is a desirable feature which will permit State agencies to make effective division of funds among various child feeding programs as necessary to meet the greatest nutritional needs of children.

Finally, section 7 authorizes the reservation of up to one percent of the funds apportioned to any State for use in special developmental or experimental projects. This type of authority and funding will permit the testing of new approaches to improve child food service programs.

8. Section 8(a) calls for a coordinated effort by the Secretary of Agriculture and the Secretary of Health, Education and Welfare in the development of curricula, training programs, and materials to be offered to educational institutions to strengthen their programs in training and education in nutrition for professional as well as paraprofessional workers. These materials would also be offered to State and local school systems for their use in teaching nutrition to students.

Section 8(a) also provides for a coordinated program to measure the adequacy and effectiveness of food programs conducted under the various authorities administered by the Department of Agriculture and the Department of Health, Education and Welfare.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

[H.R. 11651, 91st Cong., first sess.]

AN ACT To amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children not now being reached

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National School Lunch Act (42 U.S.C. 1752) is amended by adding at the end of the Act the following new section:

"TEMPORARY EMERGENCY ASSISTANCE TO PROVIDE NUTRITIOUS MEALS TO NEEDY CHILDREN IN SCHOOL AND IN OTHER GROUP ACTIVITIES OUTSIDE OF SCHOOL

"SEC. 14. (a) Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to use during the fiscal year 1970, not to exceed \$100,000,000 per annum in funds from section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to formulate and carry out a program to improve the nutrition of needy children in group situations away from home, excluding situations where children are maintained in residence.

"(b) (1) Of the funds to be used for the purposes of this section for any fiscal year, the Secretary shall reserve 3 per centum for apportionment to Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands. Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands shall each be paid an amount which bears the same ratio to the total of such reserved funds as the number of children aged three to seventeen, inclusive, in each bears to the total number of children of such ages in all of them. For the purposes of this section "State" includes the Trust Territory of the Pacific Islands.

"(2) From the remainder of the funds to be used for this section for any fiscal year, the Secretary shall pay to each State, other than those listed in paragraph (1) of this subsection, an amount which bears the same ratio to such remaining funds as (1) the number of children in that State aged three to seventeen, inclusive, in families with incomes of less than \$3,000 per annum, and (2) the number of children in that State aged three to seventeen, inclusive, in families receiving an annual income in excess of \$3,000 per annum from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, bears to the total number of such children in all the States. For the purposes of this section, the Secretary shall determine the number of children aged three to seventeen, inclusive, of families having an annual income of less than \$3,000 on the basis of the most recent data available from the Department of Commerce. At any time such data for a State are available in the Department of Commerce, such data shall be used in making calculations under this section. The Secretary shall determine from data which shall be supplied by the Secretary of Health, Education, and Welfare the number of children of such ages from families receiving an annual income in excess of \$3,000 per annum from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, on the basis of the latest calendar or fiscal year data, whichever is later.

"(c) State educational agencies, or the Secretary as provided for under sections 10 and 13(d) of this Act, shall use the funds authorized in this section to provide meals to children whose parents or guardians do not have the financial ability to provide for the adequate nutrition of the children and to children determined by local officials as in need of improved nutrition. Such funds may be used to finance such children's participation in a nonprofit food service program under this Act or the Child Nutrition Act of 1966; to assist in financing

the purchase or rental of equipment needed to operate such programs; and not to exceed an amount equal to 2 per centum of the total funds to be used for the purposes of this section in any fiscal year may be used in such fiscal year to defray part of the administrative costs of the Department of Agriculture and of the States in carrying out this section.

"(d) The authority contained in this section is intended to supplement the authority and funds available for use under other sections of this Act and the Child Nutrition Act, except that not to exceed 5 per centum of the funds available to any State under this section may be used for the purposes of section 13 of this Act.

"(e) The Secretary of Agriculture is authorized to issue regulations for the operation of the program under this section.

"(f) The withholding of funds for and disbursement to nonprofit private schools will be effected in accordance with section 10 of this Act, exclusive of the matching provisions thereof.

"(g) The withholding of funds and disbursement to service institutions will be effected in accordance with section 13(d) of this Act."

Passed the House of Representatives July 21, 1969.

Attest:

W. PAT JENNINGS,
Clerk.

SENATE COMMITTEE ON AGRICULTURE AND FORESTRY

STAFF EXPLANATION OF H.R. 11651 (SUBCOMMITTEE NO. 3)—SHORT EXPLANATION

This bill is applicable to fiscal 1970 only. It authorizes the Secretary of Agriculture to use up \$100 million of section 32 funds to improve the nutrition of needy children in nonresidential group situations.

SUBSECTION BY SUBSECTION EXPLANATION

This bill adds a new section 14 to the National School Lunch Act.

Subsection (a) authorizes the Secretary in fiscal 1970 to use up to \$100 million of section 32 funds (7 U.S.C. 612c) to formulate and carry out a program to improve the nutrition of needy children in group situations away from home, excluding situations where children are maintained in residence.

Subsection (b) provides that—

(1) 3 percent of the funds to be used are to be apportioned to Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands on the basis of the number of children aged 3 through 17 in each of those areas; and

(2) the balance shall be apportioned to the remaining States on the basis of the number of children aged 3 through 17 in (a) families with annual incomes of less than \$3,000, and (b) families with annual incomes in excess of \$3,000 from aid for dependent children under title IV of the Social Security Act.

The number of children in families with income of less than \$3,000 is to be determined on the basis of the most recent data available from the Department of Commerce. This is the 1960 census data, based on 1959 incomes. The number of families receiving aid for dependent children assistance of more than \$3,000 per year is to be determined on the basis of the latest calendar or fiscal year data, whichever is later. There is therefore a lag of a number of years between the times these two types of data are collected. Dependent children included in the 1960 data may be the parents of dependent children in the later aid for dependent children data. However, we understand that very few States pay more than \$3,000 per annum to any one family for aid for dependent children.

The apportionment formula described in clause (2) above appears to be derived from that contained in section 103(a)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 241c (a) (2)). However, by virtue of section 108(2)(A) of that Act (20 U.S.C. 241h (2) (A)) the effective low-income factor under that Act has been \$2,000, rather than the \$3,000 provided by the bill. The age of the children covered by that formula also differs from the bill, being 5 to 17.

Suggested Amendments to Subsection (b):

(1) On page 3, line 6, strike "all the States" and insert "all such States". This would limit the apportionment formula in paragraph (2) to the States that are to share in that apportionment (those other than Guam, etc.). Use of data for all the States in determining the shares of some of the States, as pro-

vided by the bill, would result in apportionment of less than the full amount to be apportioned.

(2) On page 2, line 25, strike "less" and insert "not more". The bill follows the language of section 103(a)(2)(A) of the Elementary and Secondary Education Act of 1965. However, we understand that the only statistics available are those for families with incomes of "not more" than \$3,000. This amendment would therefore correctly provide for use of the statistics that are available.

(3) Consideration should be given to striking out, as surplusage, the sentence which begins on page 3, line 10, which provides for use of Department of Commerce data for a State when available. The preceding sentence requires use of such data, and the repetition of this requirement is confusing. Section 103(d) of the Elementary and Secondary Education Act of 1965 contains a similar sentence with respect to county data, and we are advised that the purpose was to provide for use of data compiled by the Department of Commerce at the request and expense of someone other than the Federal government.

(4) Consideration should be given to striking out of line 20 on page 3 "latest calendar year or fiscal year data, whichever is later" and inserting "caseload data for the month of January of the preceding fiscal year". Section 103(d) of the Elementary and Secondary Education Act of 1965 was amended in this manner by section 105 of P.L. 90-247.

The Senate Committee report explained the reason for this change as follows (Senate Rept. 726, 90th Cong., page 12) :

"The committee has provided that 'caseload data for the month of January of the preceding fiscal year' be acceptable from all States for the calculation of title I entitlements. The committee has fixed this date because—

"(1) It is the latest date upon which it is administratively feasible to calculate entitlement; and

"(2) As the law concerning the determination of the number of children on AFDC . . . currently reads, States may calculate the number on the basis of the latest calendar or fiscal year data. A fixed date will eliminate the uncertainty and avoid the question of which date is to be used for the purposes of the title I entitlements."

Subsection (c) requires the funds to be used—

(1) to provide meals to children whose guardians do not have the financial ability to provide for their adequate nutrition;

(2) to provide meals to children determined by local officials as in need of improved nutrition;

(3) to finance participation by such children in a nonprofit food service program under the school lunch or child nutrition Acts;

(4) to assist in financing the purchase or rental of equipment needed to operate such programs; and

(5) to the extent of not more than 2 percent of such funds, to defray administrative costs of the Department of Agriculture and the States in carrying out this section.

This subsection, together with subsections (a) and (d), set out the purposes for which the funds are to be used, and the three subsections should be read together. Thus, the funds probably could not be used for equipment purchase or rental, as provided by this subsection, unless that would advance a program for needy children as provided by subsection (a). The exact limits of the program authority, however, become less important, if H.R. 515 or S. 2548 is passed, each of which provides for transfer of funds from one program to another and for special development projects.

Subsection (d) provides that the authority contained in this section is intended to supplement the authority and funds available under other sections of the school lunch and child nutrition Acts, except that not to exceed 5 percent of the funds available to any State under this section may be used for the purposes of section 13 of the school lunch Act (the special food service program for children in day-care and other institutions).

Suggested Amendments: (1) The need for or significance of this subsection is not clear. The 5 percent provision appears to be a limitation upon the amount of funds which could be spent on section 13 purposes in carrying out the program authorized by subsection (a), rather than an authorization to spend funds for a purpose not authorized by subsection (a). The 5 percent provision is written as an exception to the provision that the authority in this section is intended to supplement the funds available under other provisions of the school lunch and child nutrition Acts, indicating that an unlimited portion of the funds available under this section would be available to carry out other sections of the school

lunch and child nutrition Acts where such action would be consistent with subsection (a). This section would serve no purpose if H.R. 515 or S. 2548 providing for transfer of funds between programs should pass.

This subsection ought to be clarified or stricken.

(2) On page 4, line 14, "Child Nutrition Act" should be "Child Nutrition Act of 1966".

Subsection (c) authorizes the issuance of regulations for the operation of programs under this section.

Subsections (f) and (g) should be considered together.

Subsection (f) provides that the withholding of funds for and disbursement to nonprofit private schools will be effected in accordance with section 10 of the National School Lunch Act, exclusive of the matching provisions thereof. Section 10 provides as follows:

"Sec. 10. If, in any State, the State educational agency is not permitted by law to disburse the funds paid to it under this Act to nonprofit private schools in the State, or is not permitted by law to match Federal funds made available for use by such nonprofit private schools, the Secretary shall withhold from the funds apportioned to any such State under sections 4 and 5 of this Act an amount which bears the same ratio to such funds as the number of lunches consisting of a combination of foods and meeting the minimum requirements prescribed by the Secretary pursuant to section 9, served in the preceding fiscal year by all nonprofit private schools participating in the program under this Act within the State, as determined by the Secretary, bears to the participation rate for the State. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within said State for the same purposes and subject to the same conditions as are authorized or required with respect to the disbursement to schools within the State by the educational agency . . ."

Subsection (g) provides that the withholding and disbursement to service institutions will be effected in accordance with section 13(d) of the school lunch Act.

Section 13(d) provides as follows:

"(d) If in any State the State educational agency is not permitted by law or is otherwise unable to disburse the funds paid to it under this section to any service institution in the State, the Secretary shall withhold all funds apportioned under this section and shall disburse the funds so withheld directly to service institutions in the State for the same purpose and subject to the same conditions as are required of a State educational agency disbursing funds made available under this section."

Suggested amendments: These subsections raise a number of questions which should be settled by amendment or legislative history. For instance,

(1) Section 10 provides for partial withholding while section 13(d) provides for complete withholding. Which rule would apply under the bill?

(2) Sections 10 and 13(d) are applicable only in certain States. By their terms subsections (f) and (g) are applicable to all nonprofit private schools and all service institutions. They, undoubtedly, are intended to be applicable only in certain cases, but what are those cases? We take it that inability to match would not be a factor as provided in section 10. We would also assume that inability to disburse section 13 funds to a service institution would not be a factor.

(3) If we assume that section 10 is to apply to the portion going to schools, and section 13(d) is to apply to the portion going to service institutions, who determines what portion goes to schools, what portion goes to service institutions, and what portion will be used in some other manner?

(4) If withholding is made under section 10, is it to be based on participation in the school lunch program as provided by section 10? If so, how does it apply to the Trust Territory, which does not participate in that program?

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., September 29, 1969.

HON. ALLEN J. ELLENDER,
Chairman, Committee on Agriculture, and Forestry,
U.S. Senate.

DEAR MR. CHAIRMAN: Your letter of July 23, 1969, requested a report on H.R. 11651, a bill to amend the National School Lunch Act, as amended, to

provide funds and authorities to the Department of Agriculture for the purpose of providing free and reduced price meals to needy children not being reached.

This Department is in agreement with the objectives of H.R. 11651. The level of funding proposed in the revised budget for 1970 which has been approved by both Houses of Congress, will fulfill the intent of H.R. 11651 by providing free or reduced price meals for the estimated 6.6 million needy children who require this level of assistance during the 1969-70 school year.

The total budget request for child feeding for fiscal 1970 is \$638 million. This includes \$133.8 million for cash grants to States for free and reduced price lunches for needy children, for school breakfasts and for assistance in providing equipment to initiate or expand food service in low-income area schools and for State administrative expenses. And \$10,750,000 (of which \$750,000 would be for State administration) would be available to assist in providing food service to children in nonprofit day-care centers, settlement houses and summer recreational projects.

In addition to the funds directed specifically to low-income area schools and needy children, \$168 million is proposed for cash grants under the regular school lunch program and \$301.6 million in donated foods for child feeding programs.

The budget request also included \$20 million to continue the special milk program on a limited basis and to shift the bulk of these resources to providing complete meals to children that include milk. The House has passed an appropriation bill that includes \$120 million for the milk program this fiscal year and the Senate has passed an appropriation bill that includes \$104 million. Until this difference and others are resolved in conference, the Department of Agriculture is temporarily operating its programs under a joint resolution of the Congress. Under the terms of the resolution, the special milk program will be continued at last year's rate.

Given these circumstances, the Department recommends that the bill not be passed.

There was not sufficient time prior to the hearing of this bill to obtain the advice of the Bureau of the Budget.

Sincerely,

J. PHIL CAMPBELL, *Under Secretary.*

The CHAIRMAN. Now, we have quite a few witnesses present to testify. The first witness is one of the authors of the bill, Senator Talmadge.

You may proceed.

STATEMENT OF HON. HERMAN E. TALMADGE, A U.S. SENATOR FROM THE STATE OF GEORGIA

Senator TALMADGE. Thank you very much, Mr. Chairman. I want to thank you, sir, for the expeditious manner in which you have set these bills down for hearings.

I am delighted to appear on behalf of S. 2548, my bill to amend the National School Lunch Act and the Child Nutrition Act of 1966. I think I may be permitted to express a measure of pride in this legislation for it has broad support from the leading experts in child nutrition and the school lunch program throughout the United States. Some eight Senators have requested permission to cosponsor the bill. I have not solicited cosponsors. I never do, because I think that is not good senatorial practice.

I am especially gratified to see that Senator McGovern has seen fit to join as a cosponsor of this bill. As all of us know, Senator McGovern has been a prime mover in focusing national attention upon the disgrace of hunger and malnutrition in America. Already the Agricultural Committee and the full Senate have taken positive action to eliminate hunger and malnutrition in America. However, I feel that special attention must be focused on the problems of hungry children.

Regardless of improvements in our food stamp program, I feel that it will always be necessary to give special attention to the problems of growing children. In spite of the fact that the bill which passed the Senate will provide for a tremendous liberalization of the food stamp program, I feel that there are many families who would never participate.

Furthermore, we must not ignore the fact that there will always be a small minority of parents who are either unwilling or unable to prepare adequate food for their children even where such food is available.

A more immediate consideration, however, is the fact that under the present system the food stamp program and the commodity distribution program are not adequate to provide minimal nutritional requirements for low-income families. Of course, a food stamp reform bill has been passed by the Senate. However, I believe that an objective appraisal of the situation will convince most observers that chances of this legislation being passed in the House of Representatives are not particularly bright.

On the other hand, I am highly optimistic about the chance of moving forward with amendments to the school lunch programs during the current session of Congress.

One of the bills on which we are holding hearings is H.R. 515, which has already been passed by the House of Representatives under the able leadership of Congressman Perkins. H.R. 515 is an excellent bill. However, upon my examination of this bill, I found that additional improvements were needed. Therefore, I incorporated the best provisions of H.R. 515 in my own bill.

It is my understanding that Congressman Perkins favors S. 2548 and intends to introduce the same bill in the House except for a change in the matching requirements. Since the House has already taken positive action during this session of Congress, I believe that the chances of passing a school lunch bill during the current session are excellent if we can move expeditiously in the Committee on Agriculture to get a bill reported.

It is appropriate that the Senate Committee on Agriculture exert a positive leadership role in providing adequate nutrition for the Nation's schoolchildren, for the committee already has an excellent record in this regard.

As you all know, the national school lunch program was fathered by our chairman, Senator Ellender, and by Senator Russell back in 1946.

For over 20 years the school lunch program has been a boon for millions of hungry schoolchildren. It has encouraged the establishment of school lunch programs in many States and school districts which would not otherwise have had such a program. The subsidy provided under this program has in a vast number of cases made the difference between a good school lunch program and no school lunch program.

I am proud of the way that my own State of Georgia has utilized funds available through the national school lunch program. As a result of aggressive, effective State and local and congressional leadership, Georgia has one of the highest rates of participation in the school lunch program of any State in the Nation. Unfortunately, the picture

is not as rosy as in many of the other States. Some States do not participate in the school lunch program at all. Many States provide no money out of general revenues for school lunches.

There is one problem which seems to be common to every State which does participate in the national school lunch program. In the program of every State, there seems to be a shortage of money to provide free and reduced-price lunches for those children who are too poor to afford the price of a lunch. I believe that recent revelations of hunger and malnutrition in this country have come as a shock to many Americans.

As we become more familiar with the statistics of hunger and human needs, we find that there are startling inadequacies in our present programs to alleviate hunger. Many of these inadequacies were demonstrated to me as I toured the school lunch programs in Georgia last April. I have detected further inadequacies from reading reports and talking to experts in the school lunch program around the Nation.

The cold statistics show us that the job of feeding hungry children is not being accomplished under the status quo. According to an elementary and secondary act statistical study there are six million school-aged children in this country who belong to families in the lowest poverty level—families earning less than \$2,000 a year and/or receiving aid to families with dependent children, but fewer than two million children receive free or reduced-price lunches under the national school lunch program.

Another revealing study shows that of 50 million schoolchildren, fewer than two million, just under 4 percent, are able to get a free or reduced-price school lunch.

My study of the school lunch program has shown me that the major obstacle to providing adequate nutrition for the needy children of the country is inadequate funding. However, there are many administrative problems that need to be changed before we can hope to do an adequate job of providing free and reduced-price lunches to the hungry children of the land.

Section 11(a) of the National School Lunch Act authorizes unlimited appropriations to provide special assistance to schools drawing attendance from poor areas in order to help them meet their obligation to free or reduced-cost lunches to needy children.

Under this section there is no limitation on the amount of money to be appropriated. However, past appropriations for this section have fallen far below the amount needed. Appropriations were \$2 million in fiscal year 1967, \$5 million for fiscal 1968, and \$10 million for fiscal 1969. Prospects for 1970 are better, for both Houses have approved \$44.8 million in the appropriation bill now pending in conference.

I want to commend our distinguished colleague on this committee, Senator Holland, who is Chairman of the Appropriations Subcommittee, for the manner in which he has handled that. However, this figure still falls far short of the amount needed.

In order to suggest a higher figure, I have set a figure of a \$200 million authorization in fiscal year 1970, \$250 million in fiscal 1971, and \$300 million in fiscal year 1972.

In many sections of the country, additional funding for special assistance schools would be of little avail. In many school districts there are no facilities for the preparation of hot lunches. In order to

overcome this unfortunate shortcoming, section 2 of my bill provides for increased nonfood assistance apportioned on the basis of needs. The bill provides for \$38 million for the purchase of food service equipment in fiscal year 1970, with a gradual decrease in funding as the need is met. I provide for \$33 million in fiscal 1971, for \$15 million in fiscal 1972, and for \$10 million every year thereafter.

Although I believe that the Federal Government should assume a greater role in providing funding for school lunches for needy children, I believe that the States should meet their responsibilities in this area also.

As I previously pointed out, many States do not participate in the program at all. Many other States pay no part of the matching requirement out of general revenue. Under the present system, the States match \$1 of Federal money with \$3 of State money. However, there is no requirement that any part of the State money be obtained from State revenue sources. The \$3 matching requirement may be met solely from revenue obtained from child and adult payments for school lunches.

Section 4 of my bill provides a new matching formula of \$1 of State money for every dollar of Federal money. However, the States would be required to meet a percentage of their matching funds from State revenue sources. Initially the States would be required to provide 10 percent of the matching requirement from State sources and eventually this matching requirement would be raised to 50 percent.

Next in importance to providing additional funding for the school lunch program is the need to assure that these funds are properly channeled. Under the present law, a needy child can receive the benefit of special assistance funds for a free- or reduced-price lunch only if he attends a school designated as a special assistance school under section 11 of the School Lunch Act. In today's educational structure we find increasing numbers of poor children attending schools where the student body as a whole is quite affluent. To insure that these needy children are provided with free- and reduced-price lunches, section 7 of my bill provides that special assistance funds follow the child. Under this plan special funds would be available to needy children regardless of the school they attend.

If we are to provide free lunches for the children who really need them, we must take every possible precaution to see that there is no embarrassment or shame connected with receiving the free lunch. It is an unfortunate fact that insensitive administration of the school lunch program by some local school officials has blocked the utilization of the program by many children who really need it.

Section 6 of my bill would insure that there would be no overt identification of the children who receive free- or reduced-price lunches.

Section 6 of the bill also provides two other badly needed improvements. It imposes a maximum price of 20 cents on reduced- cost school lunches. If a child is in fact needy, he should not be required to pay more than 20 cents for this reduced-price lunch.

The other provision of section 6 authorizes the Secretary of Agriculture to prescribe terms and conditions for food service in the non-national school lunch schools which are receiving Federal assistance in the form of commodities. Over the years no requirements have been

prescribed with regard to the nutritional balance of meals served in these schools.

My conversations with school lunch directors, and especially with the very excellent school lunch director of Georgia, Miss Josephine Martin, have made me aware of a number of problems that State directors and local school administrators face in participating in the school lunch program.

For example, under the present law it is very difficult for school officials to know how to plan for the oncoming school year. Section 1 of my bill would authorize the appropriation of funds a year in advance of the beginning of the fiscal year in which the funds would become available for disbursements to States. A precedent for this is the Vocational Educational Act Amendments of 1968, which granted advanced funding authority to all programs administered by the Office of Education.

In order to insure that all available funds are utilized, I provide that the appropriations shall remain available until expended. This carryover is necessary because a lack of adequate facilities and personnel might make it impossible for some States and districts to utilize the money available to them.

In some needy schools there is not even enough money available to provide the cost of preparing and serving the food. For the few schools which fall in that category, section 7 of my bill provides for additional Federal assistance in the payment of operating expenses. It would allow the U.S. Department of Agriculture to pay up to 80 percent of the operating cost of the feeding program, including the cost of obtaining, preparing, and serving food.

If our States are to do a proper job of administering increased special assistance funds and of insuring that these funds are utilized to the maximum potential, they will incur a greater administrative cost. Therefore, section 3 of my bill provides for an increase in the amount authorized for administrative expenses by section 6 of the National School Lunch Act.

Also, section 5 of my bill authorizes the Secretary of Agriculture to utilize funds appropriated under section 7 of the Child Nutrition Act of 1966 to assist in defraying their administrative expenses in supervising and giving technical assistance to service institutions and local school districts.

My examination of the school lunch program has convinced me that there should be a greater flexibility in the use of Federal funds granted to States as between the several programs authorized under our Child Feeding Acts.

For example, there should be an easier interchange between the regular lunch program, the breakfast program, the nonschool feeding program, the nutrition training program, and the equipment assistance program. It is difficult to determine the amount of funds needed in the State as between the several different programs. Section 8 of my bill authorizes the Secretary to allow an interchange of funds.

Section 8 also provides for the funding of special developmental projects. This provision contemplates pilot projects for improving the methods and facilities for providing food service for children. It might involve the utilization of special fabricated food items, equipment, packaging or delivery systems specially designed for school feeding.

Also, these projects might be used to take advantage of food catering services on an experimental basis where school districts are unable to provide hot lunches under their own management.

Section 9 of my bill provides three badly needed innovations. Clearly we need more knowledge about how to overcome the problem of hunger and malnutrition in our growing children, and we need a better means of disseminating this knowledge. Therefore, my bill provides for Federal grants to State educational agencies for research surveys, demonstrations, and dissemination of information in the field of school food service.

There is a grave need for more trained individuals to administer school lunchrooms on the local level. The bill provides Federal grants to State educational agencies to pay up to half the expenses incurred by local school districts in employing a limited number of personnel especially trained in matters related to the diet of children.

In order to coordinate all child nutrition activities on the national level, my bill establishes a National Advisory Council on Child Nutrition. This Council would make a continuing study of programs under which meals are served to children and report annually to the President and Congress, with recommendations for improvements.

Mr. Chairman, in the interest of time, I have given only a brief summary of the provisions of my bill. The bill contains other features that I do not think it necessary to discuss at this time. The committee staff has done a good job of providing a section-by-section analysis of the bill, and I believe all the members of the committee have this analysis before them.

I believe that my bill makes the changes that need to be made in our school lunch program. Of course, I am sure my bill is not perfect and it may stand improvement in certain points. I would certainly be amenable to any suggestions as to how it can be improved. However, I do hope that this committee can take expeditious action to report a school lunch bill to the floor in the very near future.

I do not think I need belabor the point that there is a need to do more to provide adequate nutrition for our growing children. I believe that as a very minimum we must insure that no school child need go without a meal because he cannot afford it. In the school lunch programs already in operation, we have a good vehicle for providing adequate nutrition. My bill provides the necessary changes to make this vehicle function with maximum efficiency.

As we learn more about the symptoms of malnutrition, it becomes apparent that a child may suffer a serious impairment in his learning capacity if he goes to school hungry. Moreover, school administrators in economically deprived schools have found that there is a marked improvement in school attendance when children can look forward to the prospect of a good meal at school.

While I am not one to discount the importance of seeing that all hungry people are given a chance for adequate diets, I believe that we must concentrate special effort on our Nation's children. If we are ever to break the poverty cycle, we must give every encouragement for underprivileged children to go to school and learn properly.

In my judgment, the only way we can ever break the poverty cycle is to get our children into school young and keep them in school, educate them and give them sufficient training to the point where they can get useful employment.

The very least that we as an affluent nation can do is to see that these children are well fed. I believe that my bill provides an adequate program to insure that our Nation fulfills this responsibility.

The CHAIRMAN. Thank you very much, Senator Talmadge.

By the way, I am pleased to report that our new member Senator Bellmon from Oklahoma, is present.

We are glad to have you, Senator.

Senator BELLMON. Thank you.

The CHAIRMAN. Any questions?

Senator HOLLAND. I have two questions, Mr. Chairman.

First, however, I would like to ask that there be incorporated into the record in support of this bill a statement by Mr. Robert W. Rutledge, executive vice president of the Florida Citrus Mutual.

The CHAIRMAN. Without objection, the statement will be put into the record at this point.

(The statement follows:)

STATEMENT OF ROBERT W. RUTLEDGE, EXECUTIVE VICE PRESIDENT, FLORIDA CITRUS MUTUAL, LAKE LAND, FLA.

This statement was prepared by Robert W. Rutledge, Executive Vice President, Florida Citrus Mutual, Lakeland, Florida in connection with the hearings of Agriculture and Forestry Committee of the Senate on Senate Bill 2548.

Florida Citrus Mutual, organized in 1948, is authorized (among many other things) "to provide means of representation to its members and other patrons in securing appropriate state and federal legislation affecting the Florida Citrus Fruit Industry". Currently it has a membership of more than 15,500 grower members who produce about 90% of all the citrus fruit grown in Florida.

This statement is presented by direction of the Board of Directors of Florida Citrus Mutual who have unanimously endorsed the provisions of S. 2548.

The Florida Citrus Industry has been interested, through the years, in enlarging the food service programs provided for children under the National School Lunch Act and, more recently, under the Child Nutrition Act of 1966. This industry has had the privilege and opportunity to supply grapefruit sections and orange juice for use in the National School Lunch Program on occasion in the past. These products have been extremely well received and have served to support these health and nutrition programs.

As an illustration of the interest of our industry in the National School Lunch Child Feeding Programs, a self-imposed tax in the sum of \$10 million has been provided by our orange producers currently. This money is designed to explore and develop ways and means to market orange juice through the National School Lunch Program on a continuing and regular basis in cooperation with the Federal Government to the end that more of our nation's school children can have highly nutritious orange juice daily and learn good basic dietary habits.

Due to lack of Governmental funding, it has not been possible for the Florida Citrus Industry to supply orange juice to the National School Lunch Programs on a continuing basis. It is apparent that Senate Bill 2548 can make it possible not only to extend the food service programs provided under the National School Lunch Act, but more importantly, to give new direction to those programs making it possible for school children in the less affluent sections of our society to have the advantage of an enlarged and improved program of bringing needed nutritious foods to every child who needs this far-reaching service. We submit, then, that the passage by the Congress of S. 2548 is necessary to allow children the special benefits of orange juice with its important health and nutritional values (primarily Vitamin C) of pure orange juice.

The Florida Citrus Industry produces about 90%-95% of the nation's supply of orange juice. This product is processed under quality control and sanitation standards that are the envy of allied industries. The health and nutrition values of orange juice are fully documented. Not only does this product supply natural Vitamin C that is so important in the diet of school children, especially, but it also contains substantial amounts of many other nutrient factors. It

has become a must in the daily diets of many people. Its importance in the diet is attested almost universally by medical experts.

In the last several years, acreage in Florida devoted to the production of oranges has expanded rapidly—to the extent that the industry is now able to supply orange juice at a cost that is substantially less than 1c per ounce for this pure nutritious product. Thus, the cost is even less than many of the beverages, cold drinks, or even synthetic products available on the commercial market.

Prices have become well stabilized at attractive levels.

The Florida Citrus Industry, through its self-help programs, has marketed orange juice in the school lunchroom system in the past on a limited basis, being able to serve only those schools which have special resources. Through these efforts, certain school entitles have used these products on a continuing basis and have found them to be of tremendous value in the school feeding systems. Our industry has moved rapidly in exploiting to the fullest possible extent the modern commercial market for our product. We now have an abundance of product and we submit that the enactment by the Congress of the United States of S. 2548 could permit our industry to take a giant step forward in assisting in the fight against hunger and malnutrition throughout the nation.

The CHAIRMAN. I also wish to present the statement of Senator Metcalf for the record.

(The statement follows:)

STATEMENT OF HON. LEE METCALF, A U.S. SENATOR FROM THE STATE OF MONTANA

I would like to thank you Mr. Chairman, for allowing me the opportunity to present my views on S. 2548, of which I am a cosponsor. This bill, would amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food programs provided for children under these Acts.

Since its creation in 1946, no one has argued with the merits of the National School Lunch Program and the concept of Federal food assistance arrangements for school-aged children. Nor will anyone, I am sure, argue with the concept that time merits changes. As we move forward in time, problems of the day undergo a metamorphosis, and warrant re-examination and revision. S. 2548 is a response to the problem of hunger and malnutrition among the school-aged children of today.

During this decade, Americans have been increasingly aware of the fact that hunger and malnutrition exist in the United States. Accompanying this awareness, is their demand that steps be taken to eliminate this horrifying reality, one for which there is no excuse.

S. 2548 goes a long way toward meeting that need. I do not contend that this bill is the whole answer. Rather it is a part of a long-range treatment that must constantly be administered until we have expelled this disease.

Mr. Chairman, hunger and malnutrition are diseases which, if not combatted early enough, afflict their victims permanently with physical and mental retardation. Hunger and malnutrition, diseases themselves, also beget such diseases as anemia, kwashiorkore (a serious protein deficiency), and growth retardation.

This bill is a preventive measure. Once the damage has been inflicted there is little or nothing that can be done; by assuring that a child, while still in the formative stages of his youth, is provided with at least one healthy meal each day, we significantly reduce the possibility of these diseases ever appearing.

Heretofore, Federal food assistance programs for school children have been extremely successful where they have been applied. But, they have not reached far enough. Rodney Ashby, who is the head of the Utah School Food Services and Chairman of the State Directors and Supervisors Section of the American School Food Service Association, has reported a study which estimates that 32.5 million children do not now participate in the school lunch program, with 10 percent (3.25 million) of these non-participants requiring free lunches, and another 60 percent (19 million) needing price reductions. In other words, 22,250,000 children in need of assistance, are not even touched by the existing program. There are several reasons for this, and S. 2548 goes some distance in correcting them.

The increase in funds authorized by this bill, means that the School Lunch Program will not be so dependent on funds from Title I of the Elementary and Secondary Education Act. We are concerned here only with feeding needy children. At present, if Title I funds are withheld, innocent children must pay the price of hunger and malnourishment; S. 2548 alleviates this by providing enough funds, so as not to have to dip into Title I funds. No matter what the political implications are, these children will at least be fed.

Schools in our cities and rural areas too often cannot provide lunch for the children who need them most, because there are no facilities. Over 9 million children are excluded from the child feeding program for this reason alone. At present, the National School Lunch Act authorizes an appropriation of \$10 million each year to purchase equipment such as stoves, refrigerators, etc. This is simply not enough. Price levels have skyrocketed since 1946, but authorizations have not responded accordingly. S. 2548 recognizes the immediate need for increased equipment funding by authorizing \$38 million for Fiscal 1970. This may appear stiff initially, but it is designed to break the back of the equipment problem and then subside gradually to \$33 million in Fiscal 1971, \$15 million in 1972, and return to the present level of \$10 million thereafter.

Secondly, S. 2548 seeks to revise Section 11 of the School Lunch Act, so that its emphasis is the children, and not to their schools. As it presently stands, Section 11 permits payment by a state, of special assistance monies only to schools in the state selected in light of factors that focus excessively on the economic problems of the schools and the nature of the area in which the schools are located, rather than on the problems of the children who are in attendance. Thus, if a small school of 150 pupils, nearly all of whom are poverty-stricken, is situated in the heart of a ghetto, the odds are great that the school will qualify as a Section 11 school and those students will receive free or reduced price lunches. However, if a school is situated in the suburbs and draws its 2,000 students of whom 200 might be classified as poor, from an area that is more affluent than not, the chances are slim that any of those 200 will be given lunch unless the school collects enough from the 1,800 well-to-do to balance the subsidies to the poor, and it should be noted here, that hunger and malnutrition are not confined to hard core poor; scientific studies have repeatedly shown them to be evident within lower and middle class communities as well. S. 2548 corrects this inequity by focusing on the needs of the children the program is intended to serve, rather than on the needs of the school (in terms of its location, the percentage of free lunches it serves rather than the absolute number, the prices it charges for lunch, the relative financial status of its lunch program).

This bill would require that Section 11 money follow the child, not the school. Thus, under the proposed legislation, otherwise ineligible schools could be chosen by the state to receive Section 11 funds to feed their needy children. Where severe need existed, so that the Federal contribution rate would be too small to guarantee an effective program, the Secretary would be empowered to pay up to 80 percent of the school's operating costs. These operating costs, which include the cost of obtaining, preparing and serving the food have posed crucial problems. Under the provisions of the minimum wage law, which is one of the cornerstones in our battle against hunger and malnutrition, schools pay \$1.30 per man hour now, and this will rise to \$1.45 in 1970 and \$1.60 in 1971. In Northern areas where the labor market is tight, more than \$2.00 per hour has become commonplace. Local school districts have great difficulty in meeting these necessary costs, even with Federal assistance. Some cannot use Federal food funds, because the bill for readying the food for eating is beyond their budgets. The changes proposed in Section 11 of this bill would start to tackle this problem.

The real secret to expanding the school lunch program so that it reaches all those who need it but cannot afford it, is to prompt state governments to contribute their fair share of the cost. At the present time, legislation requires a 3 to 1 matching of the Federal dollar by the State from the "source within the state determined by the Secretary to have been expended in connection with the school lunch program." However, since the states' watching funds include the money the children themselves pay for their lunches, about two-thirds of the cash amount of the program, no state has ever had any difficulty meeting this requirement. For example, the State of Mississippi allocates only \$109,000 for its share of a \$25 million school lunch program. No more than one-half of the states now appropriate or use state funds for school food service.

The purpose of this program is to feed these children and making the matching requirement too stringent can only have the result of reducing the number

of children who will be able to participate. However, we must recognize that the present requirement is unrealistic. I am in favor of modifying the requirement but in such a way that it is more equitable from the perspective of both the Federal and State governments. I will support any such amendments, because, this is the only hope we have for ever phasing out Section 11, the special assistance section, and supplying free and reduced price lunches to needy children in any significant number.

Further, there is a long-range effect that enactment of this bill will have, one which cannot be measured in terms of dollars, or numbers of lunches served. Amongst school children today, the problem is not so much starvation as malnutrition. Too often, a child cannot afford the price of a school lunch, but he can afford the price of a glass of Kool-Aid and a candy bar. While this may be filling, it is certainly not nutritional. And malnutrition is even more dangerous than starvation, because, while it is just as detrimental to the child's health, it is not as easy to recognize a malnourished child as it is to recognize a starving one. By providing these children with healthy nutritional meals for their 12 years of primary and secondary education, we will be developing healthy eating habits that will remain with them for the rest of their lives. They, in turn will pass these eating patterns on to their own children, so that the next generation will see a major reduction in malnutrition. Furthermore, our economy is sure to profit in the long run. Firstly, and most importantly, we are all aware of the fact that a child's physical health is directly related to his ability to learn. I cannot even begin to guess at the number of children whose learning capacities would be increased, if only they were participants in the School Lunch Program. How much non-productive students would not now be non-productive, low skilled adults, had they not been left to go hungry during the day?

Secondly, and more indirectly related, what will the effect be on our agricultural economy in 10 years, if these children learn now to substitute green vegetables for Hershey bars, and milk for Kool-Aid.

Mr. Chairman, twenty years ago, polio was acrippler of children. All the money in the world could not eradicate this disease, until scientists had developed the knowledge of the causes of this disease. There is a justifiable reason why we could not prevent our children from being afflicted with polio—we simply did not know how. In the case of hunger and malnutrition, this just isn't so. These diseases are just as crippling as polio, but what is so horrifying, is that we know what causes them, we know how to prevent them, and yet we are slow to respond with what is necessary in time and money, to eliminate them. S. 2548 will not correct the damage that has already been done. Unfortunately, it is probably too late for that. But S. 2548 will revitalize the National School Lunch Program, so that it can respond to the pace of today, and in doing so, will contribute significantly to the prevention of hunger and malnutrition from occurring in the future.

Thank you.

The CHAIRMAN. All right, Senator Holland.

Senator HOLLAND. The first question is, what is the standard or test by which those children entitled to receive free school lunches are defined as different from those that are entitled to receive reduced-price lunches.

Senator TALMADGE. We have Miss Martin here, who is my State administrator.

STATEMENT OF JOSEPHINE MARTIN, CHIEF CONSULTANT, SCHOOL FOOD SERVICE, GEORGIA DEPARTMENT OF EDUCATION, ATLANTA, GA.

Miss MARTIN. Federal regulations require that each local school district establish standards for determining eligibility for free and reduced-price lunches. Standards are based on the number of children in the family and the amount of family income. Standards are based on the needs of the individual school district.

Senator TALMADGE. Does it vary from region to region?

Miss MARTIN. Yes; it varies from county to county within the State.

Senator HOLLAND. You mean there is no uniform standard within the State?

Miss MARTIN. No, sir; because the needs differ from county to county within the State.

Senator HOLLAND. Have you available the standards for the various counties of Georgia?

Miss MARTIN. I have those in my office, sir.

Senator TALMADGE. Will you supply that for the record?

Senator HOLLAND. Not for all of them, because you have 159 counties.

Miss MARTIN. Yes, sir.

Senator HOLLAND. Will you supply standards for Fulton County, which is your largest county, I believe, is it not?

Miss MARTIN. That is correct.

Senator HOLLAND. And the standard for one of the smaller rural counties.

Miss MARTIN. I will.

You may prefer that I send the standard for DeKalk County rather than Fulton, because we have two separate systems in Fulton County, the county system and the city of Atlanta. The economic need in Atlanta is much greater than in DeKalb.

Senator TALMADGE. DeKalb has the largest per capital income in the State.

Senator HOLLAND. I would suggest that you supply the standards for DeKalb County, the one for Atlanta, and one for a rural county.

Miss MARTIN. All right, sir.

(The information is as follows:)

Atlanta, Ga., October 9, 1969.

Mr. COTYS MOUSER,
Chief Clerk, Committee on Agriculture and Forestry, U.S. Senate,
Washington, D.C.

DEAR MR. MOUSER: In accordance with Senator Ellender's request, copies of the free and reduced price lunch policies for the following school systems are enclosed:

Fulton County—representing large county school system

Atlanta City—representing metropolitan school system

DeKalb County—representing large school system with high per capita income

Randolph County—representing small rural school system

Mr. Sam Vanneman, U.S.D.A., will provide the projections requested by Senator Ellender.

Sincerely yours,

JOSEPHINE MARTIN,
Chief Consultant, School Food Service,
Georgia Department of Education.

RANDOLPH COUNTY BOARD OF EDUCATION

SCHOOL LUNCH POLICY

The Randolph County Board of Education in accordance with the Revised United States Department of Agriculture Regulations of the National School Lunch Act submits this policy regarding the determination of eligibility for free and reduced price lunches and safeguards to avoid discrimination between the paying and non-paying children.

Part 1.00 Criteria to be used to determine economic need.

1.01 The Board of Education shall cause each administrative unit to conduct an every pupil survey giving information pertaining to:

- (a) Average family income (weekly or monthly)
- (b) Family size
- (c) Number of children in family.

1.02 The eligibility of specific children for free versus reduced price versus full price will then be determined from a system scale reflecting family income and family size.

1.03 Children from families certified for assistance under the Food Stamp Program or Commodity Distribution and children from families participating in any of the various programs of public assistance such as Family Aid to Dependent Children may be given priority for free and reduced price lunches.

1.04 Children from families who for various reasons are not participating in the Food Stamp Program, Food Commodity Distribution or any public assistance program but are at comparable income levels and family size shall be given the same consideration for free and reduced price lunches.

1.05 Whenever possible the children should be expected to pay some nominal charge within the family's financial capability for the lunches received. The system adopted chart for determining free or reduced price meals should be followed in providing the free or reduced price meals for pupils.

1.06 There may be circumstances which warrant the granting of free or reduced price meals to additional children on an intermittent or emergency basis. The justifications may be illness or death in the family or other circumstances imposing an economic hardship on the family or a nutritional hardship on the children.

1.07 All applications for free or reduced price lunches shall be made on the standard system-wide form readily available at all schools and at the office of the superintendent.

Part 2.00 Responsibility for determining economic need.

2.01 The principal of each school shall have the ultimate responsibility for the identification of economically needy children.

2.02 The principal may base his decisions on the recommendations of:

- (a) Classroom teachers
- (b) Members of the school staff
- (c) Counselors
- (d) Visiting teachers
- (e) Community representatives

2.03 The principal may establish a school committee composed of representatives from the school and community.

2.04 The principal may make the total decision.

Part 3.00 Procedural steps to determine economic need.

3.01 Advise school staffs of system policy.

3.02 Send memo to parents explaining food service program, sale price, importance of participation, payment procedure, and policy for assisting with lunches for economically needy children.

3.03 Advise parents requesting additional information or assistance for children to contact principal in writing for conference.

3.04 Send system approved application form to families requesting assistance.

3.05 Determine the financial ability to meet the identified need. With the high incidence of economically needy children, it will be impossible to meet the total need with the present resources.

3.06 The principal (committee) will review and approve applications. Principal will notify parents of action taken.

3.07 The principal (committee) will review each application for free or reduced price lunches at least once a semester.

3.08 The principal will review or evaluate the applications received as a result of changes in economic conditions of pupils or other extenuating circumstances.

Part 4.00 Provision for appeal.

4.01 Parents may appeal decisions in individual cases to:

- (a) The school committee (if applicable)
- (b) The principal of the school

- (c) The superintendent
- (d) The Board of Education

Part 5.00 Plans for making announcement of policy to the patrons of the attendance areas.

5.01 The superintendent should follow the approved board policy for announcing new school board decisions and policy affecting children of which parents should be informed.

5.02 The announcement should include this clause: "The Board has adopted the following policy regarding free and reduced price lunches in Randolph County School System. Each school will implement this policy independently and will be individually subject to the availability of funds."

5.03 All income-family size charts will be treated as confidential and will not be made available to anyone without the expressed consent of an administrative officer.

5.04 The announcement shall include information about the School Lunch Program including facts about food costs, labor expenses, equipment and materials costs, miscellaneous expenses, and normal sources of income. Explanation should be made concerning the need for community financing if the program is to be fully implemented.

Part 6.00 Procedures to collect payment.

6.01 All schools shall use lunch tickets or tokens which will be dispersed by the homeroom teachers. Each teacher shall be notified privately of any and all children receiving free or reduced price lunches. The system shall provide a standard lunch accounting book and each homeroom teacher shall list all students alphabetically. Each student shall be called individually to the desk and the proper financial procedures will be followed.

6.02 Students should be encouraged to pay by the week and month in order to reduce the time required to handle funds and to better protect the identity of needy children.

Part 7.00 Directions to avoid discrimination.

7.01 It is incumbent upon the school to take all possible steps to eliminate the possibility of other children knowing who is receiving a free or reduced price lunch. The law is very specific in prohibiting "physical segregation of or other discrimination" against any child because of his inability to pay for lunches.

7.02 Names of children determined to be eligible for free or reduced price meals shall not be published, posted, or announced in any manner to other children, and such children will not be required, as a condition of receiving such meals, to:

- (a) Use a separate lunchroom
- (b) Go through a separate serving line
- (c) Enter the lunchroom through a separate entrance
- (d) Eat lunch at a different time than paying children
- (e) Work for his free lunch unless paying children are also required to work in the lunchroom
- (f) Use a different ticket or token from paying children
- (g) Accept a lunch different from that served to paying children.

It must be emphasized that this program would have to be self-sustaining in so far as the Board of Education is concerned and will have to be amended and/or changed in order to insure that the program operates on a economically sound basis. Every effort will be made to accomplish the full implementation of this program, securing aid from local, State, and National welfare and relief organizations.

CONFIDENTIAL STATEMENT OF INCOME

Date _____

School _____

HEAD OF HOUSEHOLD _____ WHERE EMPLOYED _____ INCOME: (Annual) _____

ADDRESS _____ (Monthly) _____

(Weekly) _____

NAME OF FATHER _____ WHERE EMPLOYED _____ INCOME: (Annual) _____

ADDRESS _____ (Monthly) _____

(Weekly) _____

NAME OF MOTHER _____ WHERE EMPLOYED _____ INCOME: (Annual) _____

ADDRESS _____ (Monthly) _____

(Weekly) _____

ARE YOU RECEIVING ANY TYPE OF COUNTY, STATE, OR FEDERAL FINANCIAL ASSISTANCE? _____

IF SO, FROM WHAT SOURCE OR SOURCES AND THE AMOUNT(S) OF EACH? _____

NUMBER OF CHILDREN IN FAMILY _____ NUMBER OF CHILDREN IN THIS SCHOOL _____

NAMES OF CHILDREN

1. _____ Grade _____ 3. _____ Grade _____

2. _____ Grade _____ 4. _____ Grade _____

REQUEST FOR REDUCED LUNCH PRICE

_____ School
Randolph County School System

I hereby request that my ____ Child-Children be served
lunch(es) at a free or reduced price.

Names of Children

1. _____ Grade _____
2. _____ Grade _____
3. _____ Grade _____
4. _____ Grade _____
5. _____ Grade _____

Signature (Head of household)

0 - \$500	Free	Free	Free	Free	Free
\$500 - \$1000	5¢	Free	Free	Free	Free
\$1000 - \$1500	10¢	5¢	Free	Free	Free
\$1500 - \$2000	15¢	10¢	5¢	Free	Free
\$2000 - \$3000	20¢	15¢	10¢	5¢	5¢
\$3000 - \$4000	Full Price	20¢	15¢	10¢	10¢

VI. FORMAT FOR POLICY STATEMENT OF SCHOOL SYSTEM

The policy statement and agreement amendment should contain the following elements:

POLICY STATEMENT

of the Randolph County school system in accordance with Revised USDA Regulations of the NSL and the Child Nutrition Acts. The Board of Education, adopts the attached policy regarding the determination of eligibility for free and reduced price lunches, and safeguards to avoid discrimination between the paying and the non-paying children. The policy includes the following elements:

A. Local official(s) designated to determine which children are eligible for a free or reduced price lunch under the established policy criteria.

B. Criteria which gives consideration to economic need (1) include family income—number of children in school chart; (2) application—sample survey of family income/size; (3) other.

C. Procedural steps to be followed by local officials in making determinations.

D. Appeal provision.

E. Plans for making announcement.

F. Procedures to be used by attendance units to collect payments and account for free and reduced price lunches.

G. Directions to attendance units to avoid overt discrimination or identification of children in the cafeteria.

Upon review by the State Department of Education, the system agrees to implement the policy uniformly in all attendance units, in accordance with procedures described and make the policy known to the patrons of each attendance unit.

The board of education understands the State Department of Education, School Food Service Unit, has responsibility for monitoring the performance through administrative reviews, on-site evaluations, and others means to assure that determinations are being made in accordance with announced policies and to assure that overt identification of any child receiving free or reduced price meals is avoided.

RANDOLPH COUNTY SYSTEM,
FRED H. _____

Superintendent.

JESSE _____
Board Chairman.

Date: 1/14/69.

Review, State Department of Education:

JOSEPHINE MARTIN,
Chief Consultant, SFS.

Date: 1-30-69.

To be returned in triplicate by January 17, 1969 to Josephine Martin, Chief Consultant, School Food Service, State Department of Education, Atlanta, Georgia.

VI. FORMAT FOR POLICY STATEMENT OF SCHOOL SYSTEM

The policy statement and agreement amendment should contain the following elements:

POLICY STATEMENT

of the Fulton County school system in accordance with Revised USDA Regulations of the NSL and the Child Nutrition Acts. The Fulton County Board of Education, adopts the attached policy regarding the determination of eligibility for free and reduced price lunches, and safeguards to avoid discrimination between the paying and the non-paying children. The policy includes the following elements:

A. Local official(s) designated to determine which children are eligible for a free or reduced price lunch under the established policy criteria.

B. Criteria which gives consideration to economic need (1) include family income—number of children in school chart; (2) application—sample survey of family income/size; (3) other.

C. Procedural steps to be followed by local officials in making determinations.

D. Appeal provision.

E. Plans for making announcement.

F. Procedures to be used by attendance units to collect payments and account for free and reduced price lunches.

G. Directions to attendance units to avoid overt discrimination or identification of children in the cafeteria.

Upon review by the State Department of Education, the system agrees to implement the policy uniformly in all attendance units, in accordance with procedures described and make the policy known to the patrons of each attendance unit.

The board of education understands the State Department of Education, School Food Service Unit, has responsibility for monitoring the performance through administrative reviews, on-site evaluations, and other means to assure that determinations are being made in accordance with announced policies and to assure that overt identification of any child receiving free or reduced price meals is avoided.

FULTON COUNTY SYSTEM,
PAUL D. ———, *Superintendent*,
W. —. ROBINSON, *Board Chairman*.

Date: 1/15/69.

Review, State Department of Education:

JOSEPHINE MARTIN,
Chief Consultant, SFS.

Date: 1/28/69.

To be returned in triplicate by January 17, 1969 to Josephine Martin, Chief Consultant, School Food Service, State Department of Education, Atlanta, Georgia.

FULTON COUNTY SCHOOLS FOOD SERVICE PROGRAM

STATEMENT OF POLICY FOR FREE AND REDUCED PRICE LUNCHES

1. Purpose

The purpose of this policy is to establish uniformity within the school system for free and reduced price lunches for needy children. The implementation of this policy is subject to the availability of funds in individual schools.

A. Lunches meeting the established nutritional requirements shall be served without cost or at a reduced rate to children who are determined by each attendance unit administrative staff.

B. No physical segregation or other discrimination against any child shall be made because of his inability to pay.

2. Criteria for determining economic need

A. Each child desiring and/or needing a free or reduced price lunch will be given an application. This application will be a survey consisting of family income, size of family, and other circumstances that might necessitate this need. (See Attachment #2 and #2)

3. Procedural steps

A. The local attendance unit administrative staff will evaluate individual requests for free and reduced price lunches.

B. Individuals eligible for free or reduced price lunches will be informed at a private conference.

4. Appeal provision

In the event that the local attendance unit administrative staff denies the need for a free or reduced price lunch, the individual may appeal his request to the Fulton County Board of Education.

5. Plans for announcing this policy

A. The local attendance unit administrator will announce the provisions of this policy to the county and local unit executive committees of the Parent Teacher Association.

B. The county administrative staff will announce the provisions of this policy to local health authorities, civic organizations and family and children services.

6. *Procedures to be used by attendance units to collect payments and account for free and reduced price lunches*

A. Methods to be used in local attendance units include:

1. Lunch tickets or tokens will be the same for the free and reduced price lunches. Tickets or tokens will be issued to the students privately.

2. Funds or similar provision will be provided for the needy child where payment is made in the cafeteria line.

7. *Operational procedures for non-discrimination*

The local attendance unit will take all possible steps to eliminate the possibility of other children knowing who is receiving a free or reduced price lunch. Names of children determined to be eligible for free or reduced price lunches shall not be published, posted or announced in any manner to other children.

To assure the anonymity of the child the following conditions will be adhered to:

A. Use same dining room facilities

B. Go through same serving line as paying students

C. Will be served the same menu as paying students

D. Eat lunch at same time as paying student

E. Require no work in exchange for a free or reduced price lunch.

CHART FOR DETERMINING REDUCED PRICE OR
WITHOUT CHARGE LUNCH
FULTON COUNTY PUBLIC SCHOOLS

[illegible]

FULTON COUNTY SCHOOLS
FOOD SERVICE PROGRAM
REQUEST FOR REDUCED LUNCH PRICE

NAME OF SCHOOL _____ DATE _____

(CONFIDENTIAL STATEMENT
of INCOME)

NAME OF FATHER _____ WHERE EMPLOYED _____ ALL INCOME (Annual) _____
(Monthly) _____
(Weekly) _____

ADDRESS OF FATHER _____

NAME OF MOTHER _____ WHERE EMPLOYED _____ ALL INCOME (Annual) _____
(Monthly) _____
(Weekly) _____

ADDRESS OF MOTHER _____

NUMBER OF CHILDREN IN FAMILY _____

NUMBER OF CHILDREN IN THIS SCHOOL _____

NAMES OF CHILDREN TO EAT AT REDUCED RATE

1. _____ GRADE _____

2. _____ GRADE _____

3. _____ GRADE _____

4. _____ GRADE _____

(SIGNATURE - indicate whether Head of Household, Guardian, etc.)

DEKALB COUNTY SCHOOL SYSTEM

POLICY STATEMENT FOR ADMINISTRATION OF PROGRAM OF FREE AND
REDUCED PRICE LUNCHES

The DeKalb County School System, in accordance with revised USDA regulations for the National School Lunch and the Child Nutrition Acts, and recognizing the responsibility for the educational needs of boys and girls, and further recognizing the value of the lunch program in the total education program, proposes to cooperate with the National School Lunch Act as it relates to serving free and reduced price lunches. Responsible school officials, including principals and school lunch staffs, pledge to serve meals in all DeKalb school lunchrooms which meet the nutritional requirements without cost or at reduced cost, to all children who are unable to pay the full cost of meals. No discrimination of any type against any child shall be made because of his inability to pay.

The Board of Education and the Superintendent of Schools understand that the State Department of Education, School Food Service Unit, has the responsibility for monitoring the performance through administrative reviews, on-site evaluations, and through other means, to assure that determinations are being made in accordance with announced policies and to insure that overt identification of any child receiving free or reduced price meals is avoided.

DEKALB COUNTY SCHOOL SYSTEM,
JACK MAY, *Chairman*,
JIM CHERRY, *Superintendent*.

Date: May 5, 1969.

Review, State Department of Education:

JOSEPHINE MARTIN,
Chief Consultant, School Food Service.

Date: May 9, 1969.

PROCEDURES FOR ADMINISTERING PROGRAM OF FREE OR REDUCED PRICE LUNCHES

I. Identification of economically deprived students

A. Parents or guardian of pupils will submit a formal application for free or reduced price lunch. (See Form LR-FR)

B. Students eligible for Family and Childrens' Services are eligible for free or reduced price lunches. (See Form LR-FR)

C. Children from families certified for assistance under the Food Stamp Program or Commodity Distribution and children from families participating in any of the various programs of public assistance such as Family Aid to Dependent Children may be given priority for free and reduced price lunches.

D. Children from families who for various reasons are not participating in the Food Stamp Program, Food Commodity Distribution or any public assistance program but are at comparable income levels and family size shall be given the same consideration for free and reduced price lunches.

E. Children from families with a temporary financial need such as illness or death in the family or other circumstances imposing an economic hardship on the family or a nutritional hardship on the children. Enlisting the cooperation of local health authorities and other community organizations could be helpful in such determinations.

F. Needy students may be identified by any school personnel, such as principal, teacher, counselor, dietitian, or others who may have knowledge of the student but the ultimate responsibility for identifying the economically needy children shall rest with the principal.

G. The implementation of the free lunch policy is subject to the availability of funds in each school.

H. A chart based on family income, family size and number of children in school is provided as an aid in determining free or reduced prices. (See attachment)

II. Suggested methods to avoid identification of needy students in collecting and accounting for payments

A. No single method of collecting funds and/or identification of needy students is used in the DeKalb School System, but the method being used by all schools would include one or more of the following:

(1) Cash, tickets, tokens or charges may be used with the free or reduced price lunches. This procedure must apply to paying and non-paying students alike.

(2) Cash, tickets, token or charges will be handled privately with students and/or parents for free or reduced price lunches.

(3) Lunches served to paying and non-paying students are identical.

(4) Paying, needy, or non-paying students are permitted to charge lunches daily. The needy student is advised that the parent has taken care of his charges. In this way, the needy child is frequently unaware that he receives free or reduced price lunches.

III. Methods used to avoid discrimination

A. Names of children determined to be eligible for free or reduced price meals *shall not be published, posted, or announced in any manner to other children*, and such children will not be required, *as a condition of receiving such meals, to:*

(1) Use a separate lunchroom

(2) Go through a separate serving line

(3) Enter the lunchroom through a separate entrance

(4) Eat lunch at a different time than paying children

B. Pupils receiving free or reduced price lunches must not be identified in any way in the lunchroom, classroom, playground, or school community.

IV. Appeals procedure

A. Following the disapproval of a student application for a free or reduced price lunch, the parent or guardian must be notified by the principal.

B. The principal shall advise the parent that he has the right to appeal his application to the principal, the superintendent, the DeKalb Board of Education, and the State Board of Education.

V. Plans for announcing and publicizing policies and procedures regarding the administration of the program of free and reduced price lunches

The Superintendent, following the Board approval of this policy, will announce the methods by which the policies and procedures of the administration of the program of free and reduced price lunches shall be followed.

It is the responsibility of the principal of each school to publicize the availability of free and reduced price lunches to the school community. At the time of registration or in the first newsletter to be published following the implementation of this program and in the copy of the first newsletter to be published at the beginning of each school year, each principal will furnish to parents information regarding the food service program, the importance of participating, the lunch prices, and payment procedures, and the policies and procedures for assisting with the lunches for the economically deprived, including the availability of Form #LR-FR, "Request for Free or Reduced Price Lunch."

GUIDE FOR DETERMINING REDUCED PRICE OR NO CHARGE SCHOOL LUNCH

DEKALB COUNTY SCHOOLS

NUMBER CHILDREN IN SCHOOL	FAMILY SIZE	TOTAL ANNUAL FAMILY INCOME				
		UNDER \$2,500	\$2,500 to \$3,500	\$3,500 to \$4,500	\$4,500 to \$5,500	\$5,500 to \$6,500 Over
1		Free	10¢	*	*	*
2		Free	20¢	30¢	*	*
3		Free	30¢	45¢	60¢	*
4		Free	40¢	60¢	80¢	*
5		Free	50¢	75¢	\$1.00	*
6 or more		Free	50¢	75¢	\$1.00	*

This chart will be used in conjunction with other criteria for evaluating pupils' need and eligibility for reduced price or free lunch. The school principal will make the decision as to which pupils will receive free or reduced price lunches.

The implementation of this policy is subject to the availability of funds in each school.

*Children in these brackets will not be eligible for free or reduced prices unless other conditions warrant further consideration.

REDUCED PRICE LUNCHES FOR ECONOMICALLY NEEDY PUPILS

POLICY

The Atlanta schools' food service program is recognized by the Board of Education as an integral part of the total educational program and as a positive force contributing to the physical and mental growth of pupils. The Board accepts the responsibility of contributing to the nutritional requirements of all pupils and authorizes the participation of all Atlanta schools in the National School Lunch Program. It is the purpose of the Board to provide free and reduced price lunches for economically needy pupils to the maximum degree possible within available resources. The following plan is established as a means of assuring an equitable distribution of free and reduced price lunches to those most in need of such assistance.

I. Identification of needy pupils

1. The school principal is assigned the responsibility of identifying economically needy pupils.
2. In performing this responsibility the principal may consider the recommendations of teachers and other school and area staff members, and may avail himself of other pertinent information which might contribute to the making of equitable decisions.

II. Eligibility of pupils for free or reduced price lunches

The following criteria shall be used in determining the eligibility of pupils for free or reduced price lunches:

1. A standard application form which includes a confidential statement of total gross family income, family size and number of children in school shall be used.
2. The eligibility of pupils for reduced price or free lunches shall be determined on the basis of a chart which shows a relationship between the number of children in school and total gross annual income of the family.
3. Pupils from families certified for assistance under the Program of Commodity Distribution and pupils from families participating in any of the various programs of public assistance such as Aid to Dependent Children shall be given consideration for free or reduced price lunches. Pupils from families who for various reasons are not participating in the Food Commodity Distribution or other public assistance program but are at comparable income levels and family size shall be given the same consideration for free or reduced price lunches.
4. Pupils shall be expected to pay the established charge for lunches received unless determined eligible for free or partial pay lunches in accordance with the approved chart. Every effort shall be made to keep prices as low as possible as a means of encouraging maximum pupil participation.
5. Established criteria are not intended to preclude granting additional pupils free or reduced price lunches on an intermittent or emergency basis, when justified on other indicators of economic or temporary financial need such as illness, death in the family or other circumstances imposing an economic hardship on the family. The principal and school staff shall be on the alert for such privation cases. The assistance of local health authorities and community civic organizations should be helpful in such determinations.
6. The approved chart is subject to change as may be required to keep the system-wide operation within available resources.

ADMINISTRATIVE REGULATIONS

- 1. Steps to be followed at the school level in determining eligibility for free or reduced price lunches*
 1. Discuss Board of Education policy for free and reduced price lunches with staff members.
 2. Send a letter to parents explaining the food service program, sale price of lunches, importance of their child's participation in the lunch program, payment procedure, and policy of assisting with lunches for economically needy pupils.
 3. Parents requesting assistance for children or additional information should be advised to contact the school principal.
 4. Distribute approved application form to families requesting assistance.

5. Determine the financial ability to meet the identified need. In some schools that have a high percentage of economically needy pupils the total need may not be met with present financial resources.

6. The principal will review applications and notify parents of action taken.

7. The principal will evaluate applications received due to changes in economic conditions of pupils or other extenuating circumstances.

8. The principal will review all applications for free or reduced price lunches at least once during the school year.

II. Appeal provision

An appeal from decisions in individual cases for parents or legal guardians of economically needy children should be made in writing to the appropriate area superintendent.

III. Procedures to be used by schools in collecting payments and accounting for free and reduced price lunches

1. Use lunch tickets good for five days.

2. Issue lunch tickets in advance from the school cafeteria. Paying pupils desiring meal tickets will purchase them, and economically needy pupils will secure them at reduced cost (according to prearranged scale) or without charge.

3. Lunch tickets will carry an approval signature of the principal or some other designated person. Each pupil will sign his ticket in ink when it is secured.

IV. Operational procedures for non-discrimination

It is the purpose of the Atlanta Schools to take all possible steps to eliminate the possibility of other pupils knowing who is receiving free or reduced price lunches.

Names of pupils determined to be eligible for free or reduced price lunches *shall not be published, posted, or announced in any manner to other pupils, and such pupils will not be required, as a condition to receiving such meals, to:*

1. Use a separate cafeteria.

2. Go through a separate serving line.

3. Enter the cafeteria through a separate entrance.

4. Eat lunch at a different time than paying pupils.

5. Work for his lunch (unless paying pupils are also permitted to work in the cafeteria.)

6. Use a different ticket from paying pupils.

7. Accept a lunch different from that served to paying pupils.

8. Pupils receiving a free meal or free milk must not be so identified in the cafeteria, in the classroom, or on the playground.

V. Suggestions to schools to assist in financing free and reduced price lunches

1. Encourage pupils, whenever possible, to pay some nominal charge within the family's financial capability for the meals received.

2. Require all adults to pay the pupil cost for meal and milk plus value of federal assistance (value of cash reimbursement and U.S.D.A. donated foods). All adults will pay 50¢ for lunch in all schools.

3. Utilize U.S.D.A. donated foods to reduce food costs.

4. Raise productivity of employees. With increased labor and food costs, cafeteria staff must produce to their maximum potential.

5. Increase volume to improve the financial picture. Volume pays in many ways—increased income, increased subsidy and better nutrition for children.

The initial chart for determining free or reduced price lunches and copy of the application and lunch ticket form are on the following 3 pages.

ATLANTA PUBLIC SCHOOLS
Food Service Department

* CHART FOR DETERMINING FREE OR REDUCED PRICE LUNCH

No. Children in Family	Total Gross Annual Income of Family								
	\$2001- 2500	\$2501- 3000	\$3001- 3500	\$3501- 4000	\$4001- 4500	\$4501- 5000	\$5001- 5500	\$5501- 6000	\$6001- 6500
1	FREE	.05	.10	.15	.20	FULL			
2		FREE	.05	.10	.15	.20	FULL		
3			FREE	.05	.10	.15	.20	FULL	
4				FREE	.05	.10	.15	.20	FULL
5					FREE	.05	.10	.15	.20
6						FREE	.05	.10	.15
7							FREE	.05	.10
8								FREE	.05
9									FREE
10									FREE
11									FREE
12									FREE

* The income level which establishes eligibility for free or reduced price lunches will be lowered if necessary to maintain the system-wide operation within available resources.

Child's Name _____ School _____ Homeroom _____

Atlanta Public Schools

CONFIDENTIAL

Application for Free or Reduced Price Lunch

Family's Address _____

Father or Legal Guardian _____

Where Employed _____ Phone _____

Income (Annual) \$ _____

Mother _____

Where Employed _____ Phone _____

Income (Annual) \$ _____

Other Employed Family Member _____

Where Employed _____ Phone _____

Income (Annual) \$ _____

Aid for Dependent Children Income _____ \$ _____

Social Security Income (Annual) _____ \$ _____

Other Family Income Not Listed Above (Specify) _____ \$ _____

Total Family Income (Annual) _____ \$ _____

Form # 67650

FRONT

Number of Children In This School _____ Number of Children In Other Schools _____

Number of Pre-School Children In Family _____

Names of Children IN THIS SCHOOL

1. _____ Grade _____
2. _____ Grade _____
3. _____ Grade _____
4. _____ Grade _____
5. _____ Grade _____
6. _____ Grade _____
7. _____ Grade _____
8. _____ Grade _____

Approved for Free _____ Reduced Price _____
Disapproved _____

Principal's Signature _____

Date _____

Signature of Parent or Guardian _____

Date _____

REAR
(40)

ATLANTA PUBLIC SCHOOLS LUNCH TICKET				
Student's Name _____				
Homeroom _____				
Validating Sig. _____				
ONE LUNCH	ONE LUNCH	ONE LUNCH	ONE LUNCH	ONE LUNCH

Senator HOLLAND. The next question, what is the standard under section 7 of the bill by which additional Federal assistance is provided in the payment of operating expenses for certain counties as compared with normal counties?

Senator TALMADGE. That would be in the case of especially needy schools, and it would be left up to the Secretary to determine that matter on application of the State authorities.

Senator HOLLAND. You mean there is no standard, no uniform standard that would be applicable in such case?

Senator TALMADGE. No, sir; that is my recollection, that it would be set up by regulations of the Secretary.

Senator HOLLAND. I notice that section 7 also extends the special assistance program to all schools that would come under section 11 of the National School Lunch Act.

Is there any method prescribed for the designation of pupils in districts that would not heretofore come under that special school lunch program, to define them in contrast to the average children in those school districts covered by the special lunch program?

Senator TALMADGE. We left up to the Secretary to determine who is needy by regulation.

I think this provision was designed to take care of the situation where you have some very needy children going to affluent schools. Is that not correct?

Miss MARTIN. Yes.

Senator TALMADGE. Now they are designated by the school per se. You may have 80 percent of the students that might come from very wealthy families or moderately well-to-do families, and then 20 percent of the students come from very, very poor families. Under those conditions, the school would not be eligible under the present laws, as I understand it.

Senator HOLLAND. I recognize that as a good motive behind this change in the law, but it seems to me this presents a very difficult situation for administration.

Under section 11 as it is now in the act, the Secretary defines those special districts which are entitled to this special treatment. Under this change as proposed, that special assistance would be applicable to every district in the Nation.

Senator TALMADGE. That is right.

But even under the present law, Senator, with the special districts, you still have to make a determination of the special students, as I understand it.

What we are trying to do is have the need follow the child rather than the school.

Senator HOLLAND. I think that is a good motive and I approve it. The administration of that provision, however, it seems to me, would be very much more difficult than the present system under which special districts in very poor areas are the ones that are designated by the Secretary.

Senator TALMADGE. I would like to ask Miss Martin if she would comment on that.

Miss MARTIN. The reason that we so desperately need revision of the method for determining special assistance is related to the nationwide movement to reorganize and restructure schools. In the past the South had a dual school system and the children of low economic need went to "A" school and the affluent children went to "B" school; this situation no longer exists.

Under section 11 of the NSL Act, a county could have four special assistance schools in the past. This year, with the elimination of the dual school system, some of the children who were going to the poor schools are going to the affluent schools. Those new schools, the newly structured schools, will not meet the criteria for special assistance as they do not enroll a sufficient number of poor children to be classified as a needy school.

Now, if the money followed the child, we would be able to help poor children wherever they are enrolled.

Senator HOLLAND. Who makes the determination, Miss Martin, of those children in each district in the Nation who would come under the terms of the special assistance program?

Miss MARTIN. The local school system makes the determination of children. The way the law is presently written, section 11 funds are paid to needy schools. There are about five items in section 11, I believe, that determine whether or not a school will qualify for section 11 funds.

Senator HOLLAND. So that the determination among the children in every school in the Nation now would devolve upon the local teachers and staff, the principal or somebody in school, to determine which students would come under the special assistance program and which would not?

Miss MARTIN. Yes.

Senator HOLLAND. Just who would that responsibility fall upon?

Miss MARTIN. The determination as to the child that receives the free lunch is made by the local school authority, generally the school principal, in accordance with the system level or county policy. However, the amount of Federal money which that school receives is determined by the State agency based on the five factors in the National School Lunch Act.

Senator HOLLAND. Does this same official determine the names of those students who are entitled to buy the reduced-price lunch?

Miss MARTIN. Yes; the local school authority.

Senator HOLLAND. Then in every school in the Nation, the local principal or someone designated by him, will have to determine the names of those particular pupils entitled to receive free lunches, if any, and the names of those pupils entitled to receive reduced-price lunches, in fact?

Senator HOLLAND. They do that now in special districts?

Miss MARTIN. They do that in all of the schools that participate in the national school lunch program.

February 1, 1969, revised USDA regulations which require that every school district in the Nation have a system level free and reduced-price lunch policy, uniformly implemented throughout the system became effective.

So, regardless of whether or not the school receives in section 11 funds, it still has the same policy for determining eligibility of children as other schools in the district. The problem is that schools which do not receive the higher level of Federal assistance do not always have enough funds to fully implement or to provide free and reduced-price lunches to all of the eligible children.

Senator HOLLAND. You say the same standard applies throughout the system. Would that mean that in Fulton County, for instance, there would be one standard that would apply to schools wherever the children come from the more well-to-do families and another standard applies to the children that come from the less well-to-do families in that second system?

Miss MARTIN. In Fulton County, the same standard applies to all of the children in Fulton County, but in a less well-to-do system, the standard could be different from Fulton County's.

Senator HOLLAND. I thought you stated a while ago that there are two separate systems in Fulton County and that one of them deals with the less well-to-do children and the other with more well-to-do children.

Miss MARTIN. Correct. Atlanta's free lunch policy could be different and is different from Fulton County's free lunch policy.

Senator TALMADGE. Two separate administrations.

Senator HOLLAND. That is what I am talking about.

When you talk about the system and the uniformity of standards within a system, you mean in such a county as Fulton there would be two standards and two——

Senator TALMADGE. But only because you have an independent school system of the city of Atlanta, which handles their matters, and Fulton County handles school matters outside of the city of Atlanta.

We have quite a number of those independent school systems in Georgia, not as many as we used to have, but some still remain.

Senator HOLLAND. Thank you.

The CHAIRMAN. To what extent will the States have to contribute by way of cash to operate this program?

Senator TALMADGE. It starts off with 10 percent and finally works its way up over a 10-year period to 50 percent, Mr. Chairman, matching funds.

The CHAIRMAN. As you may recall, since the inception of this program, we have had many States who refuse to participate, to join the program because of the fact that they had no funds.

Now, are you making any provision for States that refuse to join in the program?

Senator TALMADGE. I think if this bill becomes law, they would all have to come under it, Mr. Chairman, if they participate. The bill requires maximum funds of one-to-one, of which 50 percent of the States's part must come from State revenue and not from fees from the children.

The CHAIRMAN. Suppose the State refuses to come in?

Senator TALMADGE. The act does not compel them to come in. If they do participate, it requires State participation.

The CHAIRMAN. As I understand, there are 8 or 9 States that do not participate in the program.

Senator TALMADGE. I think that is about right.

How many?

Miss MARTIN. All States participate in the NSLP; however, the number of States appropriating revenue to reduced price and free lunches is less than half.

Senator TALMADGE. Does the Department know how many States refuse to participate?

STATEMENT OF HOWARD P. DAVIS, DEPUTY ADMINISTRATOR, FOOD AND NUTRITION SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. DAVIS. Not a single one, sir. They are not all participating financially. They are participating in the school lunch program.

I would say there are about 12 that are providing some State funds other than the State administrative funds. Some of those are very minor. There are only several States that contribute materially.

The CHAIRMAN. Well, this has occurred, I presume, since—in the last 4 or 5 years, because we provided moneys to buy the equipment for the schools.

Senator TALMADGE. The 1966 act.

The CHAIRMAN. As you recall, we had a little difficulty in getting them to join because they claimed they did not have the money to put enough equipment into the schools.

Mr. DAVIS. This was true on the individual school district basis; yes, sir.

The CHAIRMAN. That is what I had in mind and I was wondering if any additional ones had joined.

Mr. DAVIS. Yes, sir; we have had quite a few additional schools in just this past year, something like 2,000 additional schools, since we got our increased funding for the past 2 years.

The CHAIRMAN. As I recall, the record shows that the entire Federal contribution to this whole program amounts to about 26 percent of the moneys spent for school lunch programs.

How much will this bill increase the State contribution?

Senator TALMADGE. Fifty percent.

The CHAIRMAN. After 10 years?

Senator TALMADGE. Yes, sir—no; it will increase it to 50 percent at the end of 10 years.

That is correct; is it not?

Miss MARTIN. That is correct, in 10 years. The States will match each section 4 dollar with 50 cents from State revenue sources.

Senator TALMADGE. Of that 50 percent, half of it must come from State revenue.

The CHAIRMAN. You mean at the end of the 10 year period?

Senator TALMADGE. Yes, sir.

In other words, it starts off at 10 percent, Mr. Chairman, and works gradually up over a 10-year period to 50 percent.

The CHAIRMAN. Let's take the State of Georgia. How much money is fed into the program by way of actual cash?

Senator TALMADGE. How much is appropriated by the general assembly?

Miss MARTIN. \$1.7 million. This is the first year we have had State money in the school food service program; and \$1.7 million will provide about 1 cent per meal.

Last year, we received approximately \$12 million in Federal funds; the matching requirement would apply only to section 4 of the National School Lunch Act. Last school year we received \$7,340,000 of section 4 money.

Based on 1969 fiscal year allocation the provisions in S. 2548, would require Georgia to provide \$734,374—from State revenue—or 10 percent in 1971. Then by 1978, when States were required to match 40 percent, Georgia would be appropriating \$2.9 million. Then ultimately up to \$3.5 million in 10 years. This will amount to required State funds of 2 cents per lunch in return for the approximately 15 cents per meal received from Federal funds. The 15 cents does not account for federally donated foods. These are cash contributions.

The CHAIRMAN. Now, you say that Georgia is providing some \$1.7 million?

Miss MARTIN. Yes, sir.

The CHAIRMAN. Assuming this bill goes through, how much more will they have to provide in order to comply with the law?

Miss MARTIN. We would have to double that amount, because it will be about 2 cents per meal.

Senator TALMADGE. And double it the first year?

Miss MARTIN. The Governor has recommended 2 cents for the 1971 fiscal year, and our State board has, so we anticipate doubling the amount of State funds during the 1971 fiscal year.

Senator TALMADGE. In the 10th year, how much would the State have to provide?

Miss MARTIN. It would be about 2 cents per meal, or \$3.5 million.

Now, there is a fallacy in that calculation as it does not consider an increase in the volume of meals. However, based on the 1969 fiscal year, Georgia's contribution would increase \$1.7 to \$3.4 million.

The CHAIRMAN. Well, now, how much over the 50 percent cost of this whole program will have to be paid by the Federal Government?

Because as I understand it, the Federal Government provides for moneys at some localities that are unable to provide the proper utensils and provide for the buildings in which to have these school lunches. Is there an estimate that has been made of that?

If not, it might be well for the Department to think about it and let us have it before these hearings are closed.

Any further questions?

Senator BELLMON. Yes, Mr. Chairman, I have a couple of questions. I am not sure I followed the line of questioning here. Let me go back over it.

The State of Georgia now puts up \$1.7 million for the State share?

Miss MARTIN. That is correct.

Senator BELLMON. And if the bill goes into effect, immediately you would go to \$3.4 million?

Miss MARTIN. No; in 10 years.

Senator BELLMON. So then how much would the cost be next year?

Miss MARTIN. Actually, the cost next year would be less than present State appropriations. The required matching in 1971 would be \$734,000 and we anticipate an appropriation of nearly \$3.5 million.

Senator TALMADGE. In other words, she anticipates that the State will put up more than the requirement in the bill.

Senator BELLMON. This would mean a higher quality lunch program than the minimum required?

Miss MARTIN. Actually, the matching from State-Federal sources in the bill is almost a token amount.

Senator BELLMON. You mean at present or after 10 years?

Miss MARTIN. Even after 10 years, it is a token amount.

Senator BELLMON. I misunderstood.

You mean it is not 50 percent?

Miss MARTIN. Well, it is 50 percent. I guess you would not call that a token amount; would you? It is 50 percent after 10 years.

Senator BELLMON. This is 50 percent of the cost of food, the cost of administering, the cost of serving, or 50 percent of the total cost of the program?

Miss MARTIN. No, sir; it is 50 percent of the Federal dollars appropriated under section 4 of the NSCA. It is not 50 percent of the cost of the program.

Senator BELLMON. What is the total cost of the program to the State of Georgia now; do you know?

Miss MARTIN. The total cost of the program in Georgia in the 1969 fiscal year was \$55 million.

Senator BELLMON. Of that, how much came from the students?

Miss MARTIN. Around \$39 million came from the students.

Senator BELLMON. \$1.7 million came from the State.

Miss MARTIN. \$1.7 is appropriated for the 1970 fiscal year.

Senator BELLMON. So the balance, then, in Georgia, you would say \$15 million is Federal funds?

Miss MARTIN. Basically; yes, sir. About \$1.2 million from donations and local funds.

Senator TALMADGE. Not all of it. You had some local contributions. Bibb County has done an outstanding job. Some of the civic clubs have helped out there.

Senator BELLMON. How much was the Federal participation?

Miss MARTIN. \$12 million of USDA funds. We had approximately \$2 million of title I, Elementary and Secondary Education Act funds.

Senator BELLMON. If I understand the bill properly, the State was to do 50 percent as much as the Federal Government did and if the Federal kept up their participation, the State would be called upon to put up \$7 million.

Senator TALMADGE. You are omitting the fees that they collect from the lunches that would still be paid.

Senator BELLMON. Under the terms of the bill, does it not require 50 percent of the general revenue funds above and beyond the part paid by the students?

Miss MARTIN. No, sir; it refers to the amount of Federal funds appropriated under section 4 of the National School Lunch Act. It would match those.

Senator BELLMON. Section 4—on page 3 of the explanation, it says that:

Section 4 of my bill provides a new matching formula of \$1 of state money for every dollar of federal money. However, the states would be required to meet a percentage of the matching funds from state revenue sources. Initially, the state would be required to provide ten percent of the matching requirement from state sources and eventually this matching requirement would be raised to 50 percent.

So if the Federal amount is, in your case, \$14 million, then the State amount would need to be an equal amount, and of this, they would get a portion from the students and the balance from the revenue fund?

Senator TALMADGE. Two items I think you are omitting.

One is the food the Federal Government gives, and two is the fees the students themselves pay for the lunches. The fees would be included in the State's share.

As a matter of fact, the present law requires that the State put up \$3 for every dollar of Federal money. But practically all the funds Miss Martin is spending down there, except for the Federal contribution, comes from fees charged the students for the lunch. That is considered the State share.

Senator BELLMON. And under the terms of the new bill, how would this be changed?

Senator TALMADGE. Section 4 is only a small part of the total.

What are these figures here? School lunch, section 4, fiscal year 1970.

This is the Senate committee report, which includes \$168,041,000 for section 4 funds. Is that correct?

Mr. MICHAEL R. McLEOD (legislative assistant to Senator Talmadge). Yes, sir; that is correct.

Senator BELLMON. \$178 million?

Senator TALMADGE. \$168,041,000 this year. That is the part they would be required to match.

Senator BELLMON. They would match that dollar for dollar?

Senator TALMADGE. Yes, sir. In 10 years' time—

Senator BELLMON. But in the next year, 1970, how much would the States be required to put up?

Senator TALMADGE. They would be required to put up 10 percent of that amount.

Is that correct, Miss Martin? Does that include the fees from the lunches also?

Miss MARTIN. Next year we would be required to put up \$168 million for \$168 million, but 10 percent of that would be derived from State revenue sources.

Senator TALMADGE. In other words, they will have to put up \$16.8 million next year.

Senator BELLMON. Out of the State treasuries?

Senator TALMADGE. That is correct.

Miss MARTIN. Ninety percent of the revenue would still come from local contributions and pupil and adult payments.

Senator BELLMON. Looking ahead 10 years, if the program is as presently mentioned, the States would be putting up how much?

Senator TALMADGE. Five times 17, a little over \$80 million, about \$85 million.

Senator BELLMON. I see.

Then the question Senator Holland was raising, supposing the States say No?

Senator TALMADGE. They would not be participating in the program and there would be no compulsion or requirement. If they did participate, they would have to put up certain funds in the program.

Senator BELLMON. I am a little at a loss to know why, if some States are not participating now, why does the bill propose to make it more difficult for them to participate.

Senator TALMADGE. Actually, it is supposed to require a greater local contribution, Senator. Many people, myself included, feel that the States are not doing their fair share in this matter, that they should do more.

Miss MARTIN. Of course, we want to feed all of the needy children; we want to feed all of the children in America. Unless the States do share in the financing of this, and if we do provide lunches for all of the children, the burden is going to be with the Federal Government. We feel very strongly that the States need to share more in the financing of the child nutrition program.

There is another very basic concern. The Federal contribution helps the schools to buy food. The labor cost, unless it is provided from local school operations, or State funds, must come from pupil payments. If you have a poor child who cannot afford to pay anything, the school cannot provide lunch unless someone provides money for labor. Labor costs 15 cents per meal. If the school has 25 cents or 30 cents in Federal funds to buy food and has no funds for labor to prepare the food, the school cannot serve the child.

Senator TALMADGE. They are now under the minimum wage laws, too.

Miss MARTIN. This State contribution could be used to help provide the cost of labor.

Senator TALMADGE. The basic cost you have here is this: We are feeding 2 million children today either free or reduced price lunches. The reports say there are 6 million that need this, so you are going to have to triple your present effort to reach the 6 million that are reported to be going to school suffering from hunger and malnutrition now from poverty-level families.

Senator BELLMON. Well, Mr. Chairman, I agree with the concept, but having just come from the State government and knowing a little bit about how tight those State budgets are, I am of the opinion that we are going to have to write some compulsion into this law or we are going to find States refusing to come up with their share.

I do not know whether it is possible, but I would like to raise that point. I am, perhaps, not necessarily going to raise it at this time.

Senator TALMADGE. That is something I think we will get into as the hearings proceed. I notice at least one Governor has a representative coming to testify, Governor Mandel of Maryland.

Senator BELLMON. Are we having testimony from any of the States that presently do not participate?

Senator TALMADGE. I do not know.

Mr. McLEOD. Maryland does not participate on a financial basis, but I think they will next year.

Senator BELLMON. Let me ask another question, Mr. Chairman. I do not want to take all the time, but I notice that on page 3 of the explanation, the paragraph I am just talking about, it would seem to be in conflict with the last paragraph.

The last paragraph says:

In some needy schools, there is not even enough money available to provide the cost of procuring and serving the food. For the few schools who fall in that category, Section 7 of my bill provides for additional Federal assistance in the payment of operating expenses. It would allow the United States Department of Agriculture to pay up to 80 percent of the operating costs of the feeding program, including the cost of obtaining, procuring, and serving food.

So apparently, here we have a provision so that if the State did not come through the USDA could come in and pick up the tab.

Senator TALMADGE. That is in the special low-income group in an area that is theoretically poverty stricken.

Senator BELLMON. Even in a State that is not participating, the USDA could come into those kinds of schools and start a program.

Senator TALMADGE. Would they or not?

Miss MARTIN. No, sir. It would be my understanding that they would not, that all of the States would be eligible for the total program. Again, 80 percent will not take care of the total cost of operation and the local government, or the local people, would need to provide the other 20 percent of the cost of the school lunch. But this would help us right now to get over this roadblock that we have in not being able to provide lunches to needy children. It would help the local system some with operating costs.

Senator BELLMON. But this section could only be activated in States that were meeting their share of the matching requirement?

Miss MARTIN. Yes, if this is implemented.

The CHAIRMAN. Well, the purpose of the questions I asked a moment ago was to try to find out the additional cost to the States. I wonder if we could use Georgia as an example as to what it costs now, to the State, what it costs now to the children, and what it will cost to the Federal Government, and then extend that, let us say, for 2 or 3 years.

Senator TALMADGE. Do you have those figures available, Miss Martin?

The CHAIRMAN. If it is possible to do that, it does not have to be done now. But I think it might be well to put that into the record. It is my fear that this bill, although you say the Federal Government will carry only 50 percent of it and the States 50 percent, it is 50 percent of what, the whole program? All of it?

Miss MARTIN. Mr. Chairman, it is 50 percent of the part that is appropriated under section 4 of the National School Lunch Act.

The CHAIRMAN. All right.

How much over and above that will the Federal Government have to contribute?

Miss MARTIN. In proportion, it would contribute the same amount that it is presently contributing. I would have to do a study to come up with those figures.

The CHAIRMAN. Let us just use Georgia as an example of the additional number of children you anticipate having, as well as the present cost to the State, the present cost to the Federal Government, and let us extend that, if we can, 2 or 3 years and see what kind of picture that gives.

Senator TALMADGE. Project it over 10, if you can, Miss Martin.

The CHAIRMAN. I do not want to give too much work to the lady, but she can get cooperation from the Department.

Miss MARTIN. We shall complete that.

(The information is as follows:)

The matching requirements in the present National School Lunch Act, as well as in H.R. 515 and S. 2548, apply only to cash grants apportioned to the states under Section 4 of the National School Lunch Act. No matching is required for federal contributions in the form of donated foods, or for Section 11 Special Assistance funds, the Breakfast Program, the Special Milk Program, or the program for non-school feeding. The equipment program for low-income area schools requires 20 percent matching of federal grants.

STATE OF GEORGIA

1. Federal Contributions

For the fiscal year 1968, the state received a total of \$19,358,217 in federal assistance for school food service programs:

Sec. 4 of National School Lunch Act.....	\$7,007,525
Sec. 11 of National School Lunch Act.....	305,067
Sec. 6 of National School Lunch Act (donated foods).....	2,165,577
Breakfast program (Child Nutrition Act).....	41,704
Nonfood assistance (Child Nutrition Act).....	33,919
Donated Foods (sec. 32 and sec. 416).....	8,238,655
Total	19,350,217

2. State Contributions

For the fiscal year 1968 the total contributions from all sources from within the state amounted to \$42,370,196:

Children's payments for lunches.....	\$36,712,323
State and local governments.....	2,346,588
Other local contributions.....	3,311,285
Total	42,370,196

3. State Matching Required

Under the School Lunch Act matching formula, the State of Georgia was required to match the Section 4 apportionment of \$7,007,525 by providing from sources within the state the amount of \$16,524,888. Such sources actually provided \$42,370,196 or about 2½ times what was required.

As a practical matter, therefore, the state matching provision of the Act has become meaningless so long as children's payments are counted as matching. Further, the term "matching" as used in the School Lunch Act, is in effect, misleading since only a portion of the federal assistance must be matched. Consequently, a change in the 3-1 ratio, such as 1-1, would not in itself require any additional federal funds and would not diminish the need for state and local contributions (including children's payments) to sustain the program.

Senator BELMONT. Mr. Chairman, I have one additional question, if I may.

The statement about how important it is that a schoolchild be given proper nutrition, I think, is a very good one. I notice that on page 4, the second paragraph, there is reference to the nonschool feeding program. My question is, hunger is a problem for schoolchildren; it is an even greater problem for preschool children.

Is there a provision under the bill for preschool children to receive adequate diets?

Senator TALMADGE. We have a program for day care centers, a program there.

Miss MARTIN. Section 13 of the National School Lunch Act provides this service to children in day care centers.

Senator TALMADGE. Yes.

Senator BELLMON. That is all.

Senator HOLLAND. Maybe I do not understand it, Mr. Chairman, but I would like to develop this part.

I notice that section 4(a) of S. 2548 provides that the third sentence of section 7 of the National School Lunch Act is amended by striking out "\$3" and inserting in lieu thereof "\$1."

I have section 7 of the National School Lunch Act before me, and the third sentence reads as follows:

Such payments in any fiscal year during the period 1951 to 1955, inclusive, shall be made upon condition that each dollar thereof will be so matched by \$1.50 and for any fiscal year thereafter, such payments should be made upon condition that each dollar will be matched by \$3.

Is that section still in force, and is that what accounts for the \$3 to \$1 contribution required of all State and local sources to match the \$1 in Federal?

Mr. DAVIS. Yes, sir, that is correct.

Senator HOLLAND. Does that \$3 include, and I understand that it does, not only the public money that is put in, but also the cost of the lunches?

Mr. DAVIS. Yes, sir, the contribution from all sources within the States, including the child's payments.

Senator HOLLAND. Then this provision in the pending bill would provide that immediately, the Federal part would have to be stepped up very heavily, because it would be paid on a 50-50 basis immediately, whereas, now, it is on a 25-75 basis. Is that correct?

Mr. DAVIS. No, sir. The Federal contribution would still remain what the Congress appropriated for section 4, and whatever the Congress appropriated for section 4, the bill under consideration would require an equal amount from sources within the State. And of that equal amount in the State, starting with 10 percent and going to 50 percent, would have to come from State-appropriated money rather than children's payments, and so on.

Senator HOLLAND. I understand that, but unless the Federal payment was stepped up very largely, the coverage of the program is effectively reduced, because the Federal program, the Federal part, would be on a 50-50 basis as soon as this bill is passed. It is now on a 25-75 basis. Is that correct or not?

Mr. DAVIS. No, sir, I think it would work the other way around. The lunches are being served and the children are making the payments. The real effect of this legislation would be to bring new money in, really, from the State to requiring State-appropriated funds which are not now being furnished.

I think that the result would be that the State would probably be further exceeding the matching they are already doing.

For example, under the current program—

Senator HOLLAND. I understand that, but would not the school lunch payments, the payments for the school lunch, still be included within the State's part of the program?

Mr. DAVIS. Yes, sir. At the present time, generally speaking, across the country, the States under the present system are matching about 5 to 1. So they are already matching much more than is required in the law.

Senator HOLLAND. That is my understanding.

Mr. DAVIS. It is my understanding that this will continue to happen.

Senator HOLLAND. But will it continue to happen if this amendment were passed stating that the State total matching should be reduced to 1 to 1 instead of 3 to 1?

Mr. DAVIS. It just perhaps could happen.

Senator HOLLAND. I want you to look at the act and tell us for the record positively. I may be completely wrong, but it seems to me that if that figure of \$3 is changed to \$1, it means that the total State contribution, meaning State funds, local public funds, and prices of the lunches, shall only be on a 50-50 basis to the Federal appropriations.

If that is the case, it means either a great reduction in the program or a vast stepping up of the Federal funds, either way. I see no other conclusion. I do see that at the end of the period, the State contribution would probably come up. But this figure of one is substituted for three, now. It seems to me that what I have indicated would immediately come.

I would like you to look at it very carefully and advise us.

Mr. DAVIS. Yes, sir.

(The information is as follows:)

Our conclusion, after further study of this matter, is that it would be desirable to retain the present 3-1 matching ratio now required under the School Lunch Act and to provide that a portion of the State matching be met from State level tax revenues. The dollar for dollar matching proposed in S. 2548 would not necessarily decrease the payments by children or contributions from local sources. However, it could, although not intended, lead to the impression that the Federal Government should bear half of the cost of the program.

Senator TALMADGE. I understand, Senator, this would require the States to make some contribution from State funds. In many States now there is no contribution at all on the part of the State. The total fund comes from the student fees.

Senator HOLLAND. I am completely in accord with your effort to raise the public State contribution. But the dollar figure that you have cut here from \$3 to \$1 means that the total State contribution, including public State funds, public local funds, and prices of the lunches, would be reduced to \$1 as compared with each dollar appropriated federally.

Senator TALMADGE. Harker, you prepared this analysis. I see nothing along that line.

Mr. HARKER T. STANTON (committee counsel). Senator Holland's statement is correct. The bill does reduce the local matching requirement to one-third of the present local matching requirement. At pres-

ent, it is one part Federal to three parts local and this would make it one part local—one part Federal to one part local.

Senator HOLLAND. I am sure that was not intended, but I think we should recognize that that would be done if this \$3 figure were substituted.

Senator TALMADGE. I think we should explore that, because we need all the facts, and I am sure before the hearing is over, when we look into every aspect of it, whatever bugs in the bill that can be ascertained will be corrected.

The CHAIRMAN. If the question I asked a while ago was answered, the act will be—let us take Georgia as an example. Georgia is a leader in that program, and we have a very fine lady there who has been in charge of it and has had a great deal to do with it. It might be well to use that—how many pupils are there now under the present law; how much does the State contribute under the present law; how much does the Federal Government contribute; and any other sources; and then what it will be under this new law. That will paint the picture as I think we requested.

Miss MARTIN. Yes, sir; we shall do that.

Senator HOLLAND. The State contribution under the law would have to include not only what the State has appropriated and not only what the local schools are appropriating, but what comes in under payments for lunches.

Senator TALMADGE. And what the charities give and the local people, also.

The CHAIRMAN. And the contributions by the local people. I know some people contribute their time there.

Senator HOLLAND. Let us see—yes, the next sentence to the one that would be amended covers some of those features that you just mentioned. May I read that for the record?

In the case of any State whose per capita income is less than the per capita income of the United States, the matching requirement for any fiscal year should be decreased by the percentage—

That is not the sentence. Strike that.

For the purpose of determining whether the matching requirements of this section and Section 10, respectively, have been met, the reasonable value of donated services, supplies, facilities, and equipment and certified respectively by the State Educational Agencies in the case of schools receiving funds pursuant to Section 10 by such schools, but not the cost of value of land, the acquisition, construction, or alteration of buildings or commodities donated by the Secretary, or of Federal contributions may be regarded as funds from sources within the State expended in connection with the School lunch program.

So the State's part under this whole section, section 7, as I understand it, would be not only the State public funds, plus the local public funds, plus the money collected from lunches, but also the contributions of time and services. So that makes up a total State contribution which, under the present law, must be at least three times as great as the Federal contribution. At least that is the way I understand it.

Is that right?

Mr. DAVIS. That is correct.

Miss MARTIN. That is correct.

The CHAIRMAN. All of that will come out if you give us an illustration of Georgia.

Miss MARTIN. All right, sir.

Senator HOLLAND. The reason I intervened is so that it would be clear for the record that we do want the whole picture as stated here in the bill and not just the State appropriation or the local school district appropriation, but all the other things, including the money received for the lunches.

The CHAIRMAN. In giving the amount that is contributed now and that will be contributed under this new law by the Federal Government, I presume that you will also take into consideration the surplus goods that are sent, surplus foods?

Miss MARTIN. Yes, sir.

The CHAIRMAN. Under direct distribution. Put all that in there and we can make a good comparison.

Miss MARTIN. All right, sir.

The CHAIRMAN. My guess is that the Federal Government is going to pour out much more money than has been stated up to now.

Senator HOLLAND. I think the commodities donated by the Secretary are now included.

The CHAIRMAN. It ought to be.

Senator HOLLAND. Under the terms of the law here, it is one of the ones exempt.

Am I correct in that, Harker?

Mr. STANTON. That is right.

Senator HOLLAND. It is not included because that is something that, at the time the law was passed, was coming out of surplus goods and was not to be included.

The CHAIRMAN. Well, I am sure the question will come up when this bill is debated on the Senate floor. What I would like the illustration to show is the entire amount put in by the Federal Government, which means any food, surplus food or under section 11 or other sections, all of that. See how the picture will show.

Miss MARTIN. Yes, sir.

(For the information above, see page 69.)

The CHAIRMAN. All right.

Are there any other questions?

(No response.)

The CHAIRMAN. Mr. Hekman.

STATEMENT OF EDWARD J. HEKMAN, ADMINISTRATOR, FOOD AND NUTRITION SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. HEKMAN. Thank you, Mr. Chairman.

Mr. Chairman and members of this distinguished committee. I am Edward J. Hekman, the Administrator of the Food and Nutrition Service of the U.S. Department of Agriculture.

It is a pleasure to meet with you this morning to discuss a series of bills designed to improve child nutrition. Through the years the members of this committee have worked diligently and effectively to improve the nutritional status of American children. As the new Administrator of a new agency, the Food and Nutrition Service, I look forward to working with you toward our common goal of better nutrition for every child.

In recent months there has been much discussion of hunger and malnutrition in this country. The problem is particularly acute among children from low-income families.

As President Nixon stated in his message of May 6, 1969:

That hunger and malnutrition should persist in a land such as ours is embarrassing and intolerable . . . the moment is at hand to put an end to hunger in America itself for all time.

We have the commitment, and we have the popular backing and support to put an end to hunger. But commitment and backing and support won't solve the problems of hunger unless we have a delivery system that will get food and food assistance to those who need it.

The American school system, which is the finest and most comprehensive of any in the world, is a readymade delivery system for better child nutrition. You have recognized this potential as you have expanded and developed the national school lunch program.

You have not taken the delivery system for granted. Rather you have acted to make it better and better. Over the years you have amended the National School Lunch Act to provide higher reimbursements and needed equipment to low-income area schools. You have recognized that the school that can serve lunch can also serve breakfast and that the type of food services that are supported in schools by the national school lunch program can be supported under similar legislation in day-care centers, settlement houses, and summer recreation centers.

The bills that you are considering this morning are concerned with further improving and expanding our child nutrition program. H.R. 515, which has already been passed by the House of Representatives, makes a number of long-needed changes in school lunch and child nutrition legislation. The administration endorses and supports this bill.

You also have before you S. 2548, a thoughtful and comprehensive measure introduced by Senator Talmadge. Another House-passed measure, H.R. 11651, provides for the transfer of \$100 million in section 32 funds to the child feeding programs. S. 2595 gives top priority to school lunch programs in the use of dairy products acquired by the Commodity Credit Corporation, and S. 644 calls for a special milk program for children.

Allow me to briefly review the status of our current programs and then comment on some of the features of the various bills.

This past school year has seen substantial program expansions. More than 20 million children participated in the national school lunch program during the 1968-69 school year compared with 18.8 million in the 1968 school year and 18.3 million in 1967. Almost 3.4 billion meals were served compared with 3.2 billion in the 1968 school year.

The additional funds provided by the Congress made it possible for us to reach an extra million children in the 1968-69 school year. You will recall that we were well into the school year before we could be sure and could inform the States that the money actually was available. As the State and local governments geared up, we found that by May of this year, 17.6 percent of the meals were being served free or at a reduced price. This compares with 13.5 percent in May of the previous year.

The breakfast program, although still small compared with the lunch program, more than doubled. There were 2,922 schools with 300,000 children participating this past school year, compared with 1,325 schools and 168,000 children the previous school year. Over 70 percent of the breakfasts were served free or at a nominal cost. The numbers of breakfasts served totaled 36.5 million compared with 16 million the previous year.

As we expected, the heaviest participation in the special food services program for children occurred during the summer months. As everyone is very much aware, day-care facilities in this country are limited in number and relatively small in size. By July of this year, we were operating in 2,384 day-care and summer activities with a participation of 355,000 children.

St. Louis, for example, served meals to 30,000 children; San Antonio 15,000; Detroit 20,000; Minneapolis 17,000; the District of Columbia almost 50,000; Atlanta over 11,000.

We believe there is a great potential for this program, both in the expanded day-care centers proposed by the President and in helping to close the summer nutrition gap when the schools are frequently closed.

The Department has already indicated that it endorses all of the major features of H.R. 515. A number of these features are included in S. 2548.

I think it particularly important that we introduce a change in the matching formula to require that States use some of their own funds to meet the matching requirement. For too long, most States have relied substantially on children's payments to supply the major share of the matching requirement. Relatively few States provide program money from State revenues.

We very much favor the provision for advance appropriations. As you are well aware, we are frequently well into the school year before we can let State and local governments know what will be available in the form of cash assistance. This presents great difficulties in setting lunch prices and in determining what funds will be available to reach needy children.

Because schools have had to plan on the safe side, some have not been able to fully use all the Federal funds that were finally allotted. Lunch programs traditionally operate with very little in the way of elbow room for adjusting prices—particularly upward. An increase of just a few pennies per meal will cause an immediate drop in participation. With advance appropriations school lunch prices can be set precisely and fairly at the beginning of each school year.

We favor, too, the nutrition education components in both major bills. We have assumed for too long that children automatically absorb nutrition lessons along with their school lunch. Children from all economic levels understand too little about why they should eat specific foods. Nutrition education is going to require a lot of hard work by all of us.

We favor taking a look at the competition that school lunches face right in the cafeteria. Snack bar items are tempting to children and profits from their sale often support worthwhile school activities. However, lunch participation and child nutrition suffer as a result.

State and local school lunch directors have long wanted a review of these practices.

And, finally, based on our experience this past fiscal year with the kind of funding flexibility we have had under amendment 25 of the Department's appropriation bill, we would like to continue that flexibility. Each category of food assistance carries its own appropriation authority and its own apportionment formula. But the needs of the States vary so greatly that we are in danger of distorting our progress.

Some States need centralized kitchens or additional equipment to service satellite schools—this is true particularly in major northern urban centers. Other States need more help in providing free or reduced-price lunches or in expanding breakfast programs. Some need a combination. Allowing some of the funds to be shifted from one category to another would reduce the chance of distortion through the categorical approach.

Although we are sympathetic with the proposal in S. 2548 that would broaden the coverage of section 11, the special-assistance phase of the school lunch program for low-income-area schools, we believe the language as it stands is unwieldy. A simpler approach would be to eliminate the criteria under section 11 and authorize the Secretary to provide a higher level of assistance to feed needy children in any school. This section would still carry its own appropriation authority without specific authorizations.

S. 2548 also provides authority for Federal cost sharing in the employment of nutrition specialists by local governments. We do not believe this to be a wise or feasible proposal. This would tend to federalize an aspect of the program that we believe is better left to State and local administration.

On H.R. 11651, we believe the funds requested by the administration for child feeding in the current fiscal year are adequate to accomplish the purpose. Both the House and the Senate have supported these funding requests, and that action effectively eliminates the need for H.R. 11651.

This committee also has before it S. 644, a bill to provide a special milk program for children. The existing authority for such a program expires at the end of the current fiscal year. Both the House and the Senate have acted to fund this program for fiscal 1970 at a level substantially above that requested by this administration or its predecessor.

Although the Department's appropriation bill still awaits final passage, we have informed schools that we shall continue to fund special milk at a level of \$104 million for the current school year. This subject continues to be under active review and at this time we do not favor extension of authority for this program beyond the end of the current fiscal year.

Finally, Senator Nelson has introduced two bills, S. 2152 and S. 2595, that will allow dairy products purchased by the Commodity Credit Corporation to be used in the school lunch, child feeding, and commodity distribution programs without regard to any present limitations that specify that sales of Commodity Credit Corporation stocks should take priority over donations. We support the concept embodied

in these two bills and recommend enactment of S. 2595, the more recently filed of the two.

The President has committed this administration to the elimination of poverty-related malnutrition. This is the time and place to do so. We know you share this commitment. There is no better place to begin than with children. We know we can reach them with good nutrition. Members of this committee have observed the dedication of the State and local school lunch supervisors, managers, and workers. They want to do the job and do it right. Let's give them a real chance.

You have some excellent proposals before you today. I know that, working together, we will find the answers.

Thank you, Mr. Chairman.

The CHAIRMAN. All right, sir.

Now, you heard the questions that we asked of Senator Talmadge.

Mr. HEKMAN. Yes, sir.

The CHAIRMAN. I hope that you will cooperate fully so as to get a true picture of the entire cost of this program, how many more children you expect to feed and who is going to pay for it.

Mr. HEKMAN. We heard your remarks, Mr. Chairman. We shall certainly do that.

The CHAIRMAN. As far as I am concerned, I think any table that is prepared to indicate that will answer a lot of questions, but I would not ask you to answer now. I do not suppose you are prepared to say what the cost to the Federal Government will be?

Mr. HEKMAN. We would not have a figure on that at the moment—not what you specifically ask for. We will see that you get this.

The CHAIRMAN. You say you endorse the House bill as written?

Mr. HEKMAN. Yes, we do.

The CHAIRMAN. Plus the proposals of Senator Talmadge's bill? Am I right about that?

Mr. HEKMAN. I think that is right. That is correct, but with certain reservations on some specifics.

(The information is as follows:)

UNITED STATES DEPARTMENT OF AGRICULTURE, FOOD AND NUTRITION SERVICE,
WASHINGTON, D.C.

Since FY 1968 additional State revenues have been provided for this program in:

California	-----	¹ \$500, 000
Illinois	-----	5, 400, 000
Georgia	-----	1, 760, 400
New Jersey	-----	3, 000, 000
Rhode Island	-----	1, 092, 242
Washington	-----	65, 000

¹ In addition to the \$2,000,000 shown on statement.

STATE MATCHING REQUIREMENTS—PERKINS BILL (H.R. 515) AMENDING NSLP

State	Federal cash apportionment, fiscal year 1968 ¹	Matching amount required, fiscal year 1968 ²	Perkins bill matching amount required ³	State taxes used to reimburse lunches and other program costs ⁴	State taxes used for administrative purposes ⁴
Alabama	\$4,709,862	\$9,799,396	\$979,940		\$135,498
Alaska	152,189	456,567	45,657		29,100
Arizona	1,336,340	3,447,212	344,721		25,000
Arkansas	2,919,744	6,003,351	600,335	\$150,000	92,894
California	5,970,046	17,910,138	1,791,014	2,000,000	231,489
Colorado	1,520,201	4,455,120	445,512		125,649
Connecticut	1,373,156	4,119,468	411,947		44,498
Delaware	376,273	1,128,819	112,882	717,550	15,325
District of Columbia	249,651	748,953	74,895	511,974	31,102
Florida	6,238,492	16,398,322	1,639,832		174,135
Georgia	7,007,525	16,524,888	1,652,489		151,243
Guam	129,861	214,271	21,427	209,937	54,280
Hawaii	991,847	2,975,541	297,554	2,178,214	88,067
Idaho	673,121	1,676,621	167,662		52,000
Illinois	4,626,454	13,879,362	1,387,936		242,700
Indiana	3,571,668	10,715,004	1,071,500		280,000
Iowa	2,936,649	8,782,978	878,298		74,204
Kansas	1,872,349	5,376,316	537,632		65,091
Kentucky	4,594,860	10,223,564	1,022,356		115,000
Louisiana	6,526,352	15,030,588	1,503,059	14,519,912	635,584
Maine	846,522	2,105,939	210,594	22,257	50,718
Maryland	2,066,032	6,198,096	619,810		50,373
Massachusetts	3,506,528	10,519,584	1,051,958	5,316,771	260,410
Michigan	3,930,835	11,792,505	1,179,251		42,278
Minnesota	3,569,328	10,456,674	1,045,667	500,000	80,000
Mississippi	4,110,527	7,344,421	734,442		109,962
Missouri	3,769,380	10,942,741	1,094,274		125,000
Montana	494,715	1,320,081	132,008		54,138
Nebraska	1,200,886	3,454,385	345,438		57,516
Nevada	126,096	378,288	37,829		25,000
New Hampshire	458,008	1,290,367	129,037		17,709
New Jersey	1,998,088	5,994,264	599,426		144,638
New Mexico	1,116,037	2,630,659	263,066		59,914
New York	10,034,987	30,104,961	3,010,496	22,227,973	299,150
North Carolina	7,866,349	17,526,707	1,752,671		265,000
North Dakota	779,213	1,908,277	190,828		45,580
Ohio	6,182,230	18,546,690	1,854,669		127,357
Oklahoma	2,144,002	5,373,132	537,313		725,710
Oregon	1,420,167	4,257,603	425,760		62,320
Pennsylvania	6,291,452	18,874,356	1,887,436		44,900
Puerto Rico	4,236,964	4,185,083	418,508	11,601,969	1,808,131
Rhode Island	274,055	822,165	82,216		991,385
South Carolina	4,720,026	9,762,747	976,275	496,023	256,829
South Dakota	634,973	1,525,879	152,588		74,883
Tennessee	4,856,054	10,896,391	1,089,639	75,000	143,010
Texas	7,342,117	18,812,302	1,881,230		
Utah	1,261,981	3,219,339	321,934	1,652,687	45,000
Vermont	273,435	772,650	72,265	150,000	30,232
Virginia	4,425,472	11,655,248	1,165,525		142,297
Virgin Islands	127,150	192,152	19,215	839,979	55,948
Washington	1,977,929	5,933,787	593,379		78,000
West Virginia	1,888,819	4,200,695	420,070	300,000	87,360
Wisconsin	2,901,243	8,688,927	868,893		174,226
Wyoming	262,201	718,645	71,864		23,275
Samoa, American	76,559	44,920	4,492	119,903	29,725
Total	154,947,000	402,267,139	40,226,714	63,590,149	9,251,184

¹ Sec. 4 apportionment.² Federal funds apportioned to each State must be matched from State sources at the basic rates of \$3 for each Federal dollar. This requirement is reduced for States with per capita income less than the national average. For such States, the matching required shall be reduced by the percentage which such State per capita income is below the national average.³ State revenues must equal 10 percent of the matching requirements based on matching amount fiscal year 1968 (col. 2).⁴ Fiscal year 1968, CFP-13 reports.

STATE MATCHING REQUIREMENTS—TALMADGE BILL (S.2543) AMENDING NSLP

State	Federal cash apportionment, fiscal year 1968 ¹	Matching amount required, fiscal year 1968 ²	Perkins bill matching amount required ³	State taxes used to reimburse lunches and other program costs ⁴	State taxes used for administrative purposes ⁴
Alabama	\$4,709,862	\$9,799,396	\$1,633,233		\$135,249
Alaska	152,189	456,567	76,094		29,100
Arizona	1,336,340	3,447,212	574,535		25,000
Arkansas	2,919,744	6,003,351	1,000,558	\$150,000	92,849
California	5,970,046	17,910,138	2,985,023	2,000,000	231,489
Colorado	1,520,201	4,455,120	742,520		125,649
Connecticut	1,373,156	4,119,468	685,678		44,498
Delaware	376,273	1,128,981	188,136	717,550	15,325
District of Columbia	249,651	748,953	124,825	511,974	31,102
Florida	6,238,492	16,398,322	2,733,054		174,135
Georgia	7,007,525	16,524,888	2,754,148		151,243
Guam	129,861	214,271	35,712	209,937	54,280
Hawaii	991,847	2,975,541	495,924	2,178,214	88,067
Idaho	673,121	1,676,621	279,437		52,000
Illinois	4,626,454	13,879,362	2,313,227		242,700
Indiana	3,571,668	10,715,004	1,785,834		280,000
Iowa	2,936,649	8,782,978	1,463,830		74,204
Kansas	1,872,349	5,376,316	896,053		65,091
Kentucky	4,594,860	10,223,564	1,703,927		115,000
Louisiana	6,526,352	15,030,588	2,505,098	14,519,912	635,584
Maine	846,522	2,105,939	350,990	22,257	50,718
Maryland	2,066,032	6,198,096	1,033,016		50,373
Massachusetts	3,506,528	10,519,584	1,753,264	5,316,771	260,410
Michigan	3,930,835	11,792,505	1,965,418		42,278
Minnesota	3,569,328	10,456,674	1,742,779	500,000	80,000
Mississippi	4,110,527	7,344,421	1,224,070		109,962
Missouri	3,769,380	10,942,741	1,823,790		125,000
Montana	494,715	1,320,081	220,014		54,138
Nebraska	1,200,886	3,454,385	575,731		57,516
Nevada	126,096	378,288	63,048		25,000
New Hampshire	458,008	1,290,367	215,061		17,709
New Jersey	1,998,088	5,994,264	999,044		144,638
New Mexico	1,116,037	2,630,659	438,443		59,914
New York	10,034,987	30,104,961	5,017,494	22,227,973	299,150
North Carolina	7,866,349	17,526,707	2,921,118		265,000
North Dakota	779,213	1,908,277	318,046		45,580
Ohio	6,182,230	18,546,690	3,091,115		127,357
Oklahoma	2,144,002	5,373,132	895,522		725,710
Oregon	1,420,167	4,257,603	709,600		62,320
Pennsylvania	6,291,452	18,874,356	3,145,726		44,900
Puerto Rico	4,236,964	4,185,083	697,514	11,601,969	1,808,131
Rhode Island	274,055	822,165	137,028		991,385
South Carolina	4,720,026	9,762,747	1,627,124	496,023	256,829
South Dakota	634,973	1,525,879	254,313		74,883
Tennessee	4,856,054	10,896,391	1,816,065	75,000	143,010
Texas	7,342,117	18,812,302	3,135,384		
Utah	1,261,981	3,219,339	536,556	1,652,687	45,000
Vermont	273,435	772,650	120,442	150,000	30,232
Virginia	4,425,472	11,655,248	1,942,541		142,297
Virgin Islands	127,150	192,152	32,025	839,979	55,948
Washington	1,977,929	5,933,787	988,964		78,000
West Virginia	1,888,819	4,200,695	700,116	300,000	87,360
Wisconsin	2,901,243	8,688,927	1,448,154		174,226
Wyoming	262,201	718,645	119,774		23,275
Samoa, American	76,559	44,920	7,487	119,903	29,725
Total	154,947,000	402,267,139	67,044,522	63,590,149	9,251,184

¹ Sec. 4 apportionment.² Federal funds apportioned to each State must be matched from State sources at the basic rates of \$3 for each Federal dollar. This requirement is reduced for States with per capita income less than the national average. For such States, the matching required shall be reduced by the percentage which such State per capita income is below the national average.³ Federal funds apportioned to each State must be matched from State sources at the basic rates of \$1 for each Federal dollar. This requirement is reduced for States with per capita income less than the national average. For such States, the matching required shall be reduced by the percentage which such State per capita income is below the national average. State revenues must equal at least 50 percent of the matching requirement based on $\frac{1}{4}$ of matching amount, fiscal year 1968 (col. 2).⁴ Fiscal year 1968, CFP-13 reports.

FOOD AND NUTRITION SERVICE, CHILD NUTRITION PROGRAMS, FISCAL YEAR 1970

[Dollars in thousands]

	<i>Budget estimate</i>
1. Cash Payments to States :	
(a) School lunch program (sec. 4)-----	\$168,041
(b) Special assistance (sec. 11)-----	105,800
(c) School breakfast-----	11,000
(d) Nonfood assistance-----	15,000
(e) State administrative expense-----	2,750
(f) Nonschool food program-----	10,000
Total cash to States-----	312,591
2. Commodity procurement (sec. 6)-----	64,325
3. Federal operating expenses-----	3,850
Subtotal -----	380,766
4. Commodity donations from :	
Sec. 32-----	90,411
Sec. 416-----	¹ 146,838
Total commodities (excluding sec. 6)-----	237,249
Total child nutrition-----	618,015

¹ Includes proposed purchase of cheese under sec. 709 authority.

In the 1969-70 school year 24 million children are expected to participate and consume about 4 billion lunches. Some 20 percent of these lunches will be served free or at reduced prices.

The CHAIRMAN. Any further questions?

Senator HOLLAND. I want to ask you about the special milk program, Mr. Hekman.

As I understand it, the administration has now come to the position that it does include \$104 million for this coming year, 1970, for the special milk program. Is that correct?

Mr. HEKMAN. That is correct. we have notified the school officials that the program will be in effect at that level for the current year.

Senator HOLLAND. That is the amount that is in the Senate appropriation bill. The House appropriation bill carries a somewhat larger amount. You have approved it at \$104 million?

Mr. HEKMAN. That is correct.

Senator HOLLAND. Your approval, however, still would call for the end of the special milk program after the current year, 1970; would it? I so understand your testimony.

Mr. HEKMAN. I have indicated, I think, in this testimony, Senator Holland, that the matter is under review. We have taken action for this year. The matter is under continuing review beyond that. I think the subject continues to be under active review, and at this time, we do not favor extension.

What I am trying to say there is that presently our position would be that we would not favor extension, but the matter is under review in the Department.

Senator HOLLAND. Well, as I understand it, this would not require the passage of any further authorization bill, because the House put in a larger amount. The Senate cut it to \$104, which was an extension of the amount of last year. The only thing in conference between the two Houses on this matter is the difference between those two amounts, which is in the bill regardless of the absence of the authorization for future years.

Mr. HEKMAN. That is correct.

Senator HOLLAND. And you are now studying the question of whether the administration will or will not support further authorization of this program.

Mr. HEKMAN. This is correct.

Senator HOLLAND. At the present time, you do not favor it?

Mr. HEKMAN. That is correct, sir, but it is under review.

Senator HOLLAND. Thank you.

The CHAIRMAN. Senator Bellmon?

Senator BELLMON. Mr. Chairman.

Mr. Hekman, I would like to call your attention to your remarks on page 4. Not that I disagree with you, but I would like to have your reasoning behind the third paragraph, in which you say you think it is particularly important that we introduce a change in the matching formula to require that States use some of their own funds to meet the matching requirement.

Why do you come to this conclusion?

Mr. HEKMAN. Well, I would say pretty much for the same reason that some of the States are presently doing it. It makes for a better program. To expect the matching in so many areas to be entirely from the students does not make as effective a program, in our opinion, as what is contemplated under the bill.

I would like to ask Mr. Davis if he would like to explain that.

Mr. DAVIS. I think that states it correctly. In those States where the State has put in some of its own money, the programs have tended to be much better.

Senator BELLMON. Better in what way?

Mr. DAVIS. In that they have better coverage and they are able to get more participation by holding the prices to a reasonable level.

Senator BELLMON. Do you know what will happen to the States that presently do not participate if this requirement is put into effect? Will they never come into the program? Is that your plan?

Mr. HEKMAN. Well, all States are presently in the program.

Senator BELLMON. Every one of the 50 States?

Mr. HEKMAN. Yes.

Mr. DAVIS. They have a national school lunch program in every State and they have a State organization to carry out that program in every State.

Not every State, however, puts in State appropriated money to help the local schools.

Senator BELLMON. I understand someone to say there were 12 States that did not have hot lunch programs. That is not true?

Mr. DAVIS. No; that is incorrect. They have the program, but there were approximately 12 States where the State is putting in program money to help the local school districts with a school lunch program. But all States are participating in the program.

Senator BELLMON. So it is your feeling that if this requirement is written into the law, the program will not cease in any of these States, but rather that the States will find some place to get their matching funds?

Mr. HEKMAN. That is our hope. We would expect that to happen: yes.

Senator BELLMON. That is all, Mr. Chairman.

The CHAIRMAN. Senator Talmadge?

Senator TALMADGE. Mr. Hekman, I want to compliment you on your statement. It has been reported that we are feeding about 2 million classroom students now, either free or reduced-price lunches. There have been some statistics by the Federal agencies themselves that show there is a need for about 6 million. In other words, the effort—State, Federal, and local—now is about a third of the need. Do you agree with that?

Mr. HEKMAN. Substantially, I do, Senator Talmadge. I think our figure on the 6 million is nearer 6.5.

Mr. DAVIS. Six would be a conservative figure.

I might point out, Senator Talmadge, that due to the increased appropriations provided by the Congress this past school year, we estimate that by the end of the school year just finished, there were approximately 3.4 million children receiving free or reduced-price lunches. So with the added funds that we got just this past year, I think it demonstrates that the States can reach these children.

Senator TALMADGE. In other words, we are closing the gap and you recommend further efforts to close it?

Mr. DAVIS. Absolutely.

Senator HOLLAND. May I ask just one question here?

When you speak of the extra funds, you mean the \$45 million coming out of section 32 that were appropriated in this last appropriation bill for 1969 that had not been appropriated before that?

Mr. DAVIS. Yes, sir; plus some increase in the other funds, too, Senator.

Senator HOLLAND. Thank you.

Senator TALMADGE. There were some provisions in that bill that I offered that you took some exceptions to. As you know, many of the low-income students now go to schools in areas that are rather affluent. The present policy, I believe, of determining schools for reduced prices and free lunches relates to the school itself and not the child; is that correct?

Mr. HEKMAN. That is correct, sir.

Senator TALMADGE. How can we meet this problem of having lunch availability follow the child unless we authorize it?

Mr. HEKMAN. It is my understanding that that would be required and was contemplated in this bill. This would be in answer to a question that was raised previously. We do not see administrative problems in having these funds follow the child rather than follow the schools.

Senator TALMADGE. In other words, you support that principle?

Mr. HEKMAN. Absolutely.

Senator TALMADGE. Thank you, Mr. Chairman.

The CHAIRMAN. Senator Miller?

Senator MILLER. Do I understand that while you are still reviewing the special milk program, your thinking may be to eliminate that and focus the entire attention on school lunch and breakfast programs, and other special programs?

Mr. HEKMAN. Yes, sir; that is where I think it is going, to try to make one package.

Senator MILLER. So that the same quantity of milk certainly would continue to be used, but it would end up in these other programs?

Mr. HEKMAN. That is right.

Senator MILLER. Thank you.

The CHAIRMAN. Senator Dole?

Senator DOLE. As I understand it, you are supporting and endorsing H.R. 515, without any suggested amendments? Is that correct? That bill is acceptable as it passed the House?

Mr. HEKMAN. There were two areas—

Mr. DAVIS. The provisions that are in the bill, I believe the administration has gone on record as supporting those; yes, sir.

Senator DOLE. I have not had a chance to review H.R. 515 completely, but I think it contains a provision where there would be no overt identification of those receiving free lunches; is that correct?

Mr. HEKMAN. That is correct. It is very specifically spelled out.

Senator DOLE. We have found that to be a problem in some of the areas to which we have traveled for hearings by the Committee on Nutrition and Human Needs.

Secondly, I was not here to hear the presentation by Senator Talmadge, but I assume that many provisions in S. 2548 are comparable to many of those in H.R. 515, so there is some basic support for his proposal; right?

Mr. HEKMAN. Yes; that is very true.

Senator DOLE. Senator Bellmon raised a question on page 4 about the States' participation. I share that view. I am wondering if you might furnish for the record the number of States which now participate in the program and on what basis, and if possible, what has happened since their participation, whether there has been an increase in benefits or whether it has gone down the other way?

I think he was concerned that this might reduce participation rather than expand it. May we have that for the record?

Mr. HEKMAN. We shall submit that.

(For the information above, see pages 77-79.)

Senator MILLER. Would you yield at that point?

Senator DOLE. Yes.

Senator MILLER. What incentive is there now for States to participate and provide program money?

Mr. HEKMAN. I would say that really, the only incentive is to do a better job for their students—for the children, I mean.

Senator MILLER. They do not get any more money from the Federal Government to do it?

Mr. HEKMAN. No, sir; it is just based on trying to do a better job locally.

Senator DOLE. My only theory is that it might lead to better administration and perhaps a sounder program, which could produce ultimate benefits.

Now, I quickly read the statement of the National Restaurant Association—I do not want to jump ahead on any witness, but I think it deserves comments. First of all, how many children would be eligible for a school lunch program if you could feed them all? What is the total number?

Mr. HEKMAN. Fifty million.

Senator DOLE. You are now reaching what, about 20 million?

Mr. HEKMAN. That is right.

Senator DOLE. So you are reaching about 40 percent of those who might be eligible; is that correct?

Mr. HEKMAN. I do not have the figures with me.

Mr. DAVIS. We are reaching about 40 percent of the total enrollment, Senator Dole. However, a recent study that we completed, a rather extensive study of the lunch program, disclosed some rather significant figures on the number of children who go home to lunch normally, the number of children who eat outside the schools, and, of course, in any given period, you have perhaps a 10-percent absenteeism.

So when you are talking about average daily participation, and the children in those schools, it changes that figure somewhat. I do not think we would ever reach all of the 50 million; perhaps 75 percent of them. But we do have a long way to go in getting coverage for all children.

Senator DOLE. But the figures in themselves, then, are not meaningless, but they are not inclusive, either.

Mr. DAVIS. Yes.

Senator DOLE. With reference to what appears to be a regulation, the future witness will testify; is the use of food service management firms precluded by regulation, and what is the basic purpose of that?

Mr. HEKMAN. I have been here only 3 months. I have been made aware of that regulation. If I might state, Senator, I plan to make a study of this through an in-depth look at it, including field trips. I hope at the end of that time to make a recommendation to the Secretary through Mr. Lyng as to whether, in the opinion of the Service, the Food and Nutrition Service, this regulation is something that should or should not be continued.

Senator DOLE. Mr. Davis, do you have any comment? I am just trying to find out for my own information. It seems to me that in some areas, a food service management firm might be very desirable where you have an inefficient administration, and the program could be helped substantially. I recognize there might be some additional cost, and I can probably understand the basic purpose of the regulation.

I also understand that the Department does not say that this precludes employment of the management firm. It does not say, in effect, that any school that has a management firm is not eligible for the school lunch program; does it?

Mr. DAVIS. Our present regulation does say that if the school employs a private food management company to run its school lunch program, they are not eligible for the Federal benefits.

Now, the school people, over the years, have urged the continuation of this provision on the basis that turning it over to private companies would tend to diminish the interest in the program by the local school administrators; they would wash their hands of the whole thing and forget about it.

The school people have felt that, by observation, those programs that worked the best were those where you had the most concern and active participation of the school administrator.

They have also believed that they would lose a lot of voluntary contributions that the program gets in many ways if it were being run by a private concern; that perhaps it would be more difficult to maintain the push for free meals and the nutritional aspects of it.

I think some of these attitudes and reasonings have built up over a period of years. I do not know whether they still feel that way or not. One angle to this, however, that I think we should remember in this

is that there is no prohibition in our regulations against the school buying food or employing a caterer to deliver food to the school.

It is merely the prohibition on a private concern moving a resident manager into the school and taking over the program. That is the issue.

Senator DOLE. Are there a number of schools who use this private service?

Mr. DAVIS. I do not know how many schools across the country do. I know there are a number that do. We looked at a few in New Jersey that did.

Senator DOLE. I can find that out later.

Thank you very much.

The CHAIRMAN. Mr. Hekman, I wonder if you would be kind enough to provide for us the cost of this program to the Federal Government under the H.R. 515, and in connection with that, I notice that you provide for a State contribution of from 4 to 10 percent. It is to start, during fiscal year 1971, you start at 4 percent; in 1973, 6; in 1975, 8; and in 1977, 10 percent.

Mr. HEKMAN. Yes, sir.

The CHAIRMAN. Give us the amount that this would produce—I mean that it will produce from the States—in contrast to S. 2548, which provides for State contributions beginning immediately at 10 to 50 percent.

Mr. HEKMAN. Well, may I—

The CHAIRMAN. I do not expect you to—

Mr. HEKMAN. May I ask a question about your question?

The CHAIRMAN. Yes.

Mr. HEKMAN. The previous discussion was a little confusing to me.

The CHAIRMAN. Which discussion?

Mr. HEKMAN. On this matter of these participation formulas.

The CHAIRMAN. You mean under the Talmadge bill?

Mr. HEKMAN. Yes, sir; and under the—

The CHAIRMAN. Well, if you are prepared to answer now, we shall be glad to hear you.

Mr. HEKMAN. Now, I am not prepared to answer now in terms of dollars, but I would appreciate some clarification on this.

In other words, under section 4, the Federal level, I think the figure is \$168 million. Well, then, we are to assume, under these matching programs, that the figure stays at \$168 million, just as an example. Then these participation levels, which are now 3 to 1, the ratio would stay the same under some of this thinking as one Federal and three State, but this would be whacked up in a different way.

Rather than most of it coming from the students, it would come from some State participation, but the overall relationship of 1 to 3 would remain the same.

Am I thinking wrong on this?

The CHAIRMAN. No, you are not. You have both goals before you. You are going to have to administer them.

Mr. HEKMAN. Yes, sir.

The CHAIRMAN. Now, take H.R. 515, wherein the contributions would be from 4 to 10 percent over the period of years I have told you—that is, from 1971 through 1977. Figure what the State alloca-

tion would be, and then take the Talmadge bill, 2548, as is, and tell us what the State contribution would be under that program.

Mr. HEKMAN. Very good. We shall do that.

(For the information above, see p. 77.)

The CHAIRMAN. Are there any further questions?

(No response.)

The CHAIRMAN. If not, we thank you very much.

Mr. HEKMAN. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Emery, will you step forward?

STATEMENT OF HARLAN J. EMERY, DIRECTOR, LIVESTOCK AND DAIRY DIVISION, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. EMERY. I am Harlan J. Emery, director, Livestock and Dairy Division, Agricultural Stabilization and Conservation Service, the U.S. Department of Agriculture.

Mr. Chairman, my brief statement relates to two bills before the committee having to do with the utilization of dairy products acquired by the Commodity Credit Corporation under the dairy support program.

The Department of Agriculture favors enactment of S. 2595 with minor clarifying changes.

S. 2595 is a bill "To amend the Agricultural Act of 1949 with regard to the use of dairy products, and for other purposes." It would amend section 416 of the act to provide that "Dairy products acquired by the Commodity Credit Corporation through price support operations may, insofar as they can be used in nonprofit school lunch and other nonprofit child feeding programs, in the assistance of needy persons, and in charitable institutions, including hospitals to the extent that needy persons are served, be donated for any such use without regard to any limitation or priority contained in this section or in any other provision of law."

Section 416 of the Agricultural Act of 1949 in effect provides for priority of sales over donations in the disposition of food commodities acquired under support programs. Section 416 authorizes donations of such food commodities for nonprofit school lunch uses to needy persons and other uses in order to prevent the waste of the commodities "before they can be disposed of in normal domestic channels without impairment of the price-support program or sold abroad at competitive world prices * * *"

Dairy products have played a very important role in the school lunch, needy persons, and other food assistance programs for many years. Such products can contribute greatly toward the objective of eliminating hunger and malnutrition of the Nation's poor.

Usually supplies of dairy products acquired under the dairy price support program have been adequate for both sales and food assistance uses. Occasionally, however, CCC's inventories of dairy products have declined to such low levels that their use in some programs has had to be curtailed or temporarily interrupted.

Enactment of S. 2595 would help to assure continuing supplies of dairy products in the food assistance programs, at less cost to the Government than would be the case if CCC's inventories were com-

pletely exhausted through sales and then other authority were used to buy supplies in the market at higher prices for program uses.

In order to be consistent with the punctuation of the language earlier in the section, a comma should be inserted after the word "hospitals" in line 10. Also, in order to avoid any possibility of a broader effect than intended by the proposed amendment, we believe that the language at the end of the bill reading "without regard to any limitation or priority contained in this section or in any other provision of law" should be changed to read, "prior to any other use or disposition."

S. 2595 is preferable in several respects to S. 2152, which would amend the National School Act to give priority to school lunch use of dairy products acquired by CCC under the dairy support program and to authorize purchases of dairy products at market prices for school lunch use when CCC's price support stocks of dairy products are not adequate to supply the full needs of the school lunch program.

S. 2595 would more appropriately amend section 416 of the Agricultural Act of 1949 which relates to priority uses of commodities acquired through price support operations. It would include other food assistance programs as well as the school lunch program. It would be permissive rather than mandatory.

S. 2595 would appropriately leave to administrative determination the priorities to be accorded from time to time to sales and donation uses of different products in the light of developments in relative nutritional needs in different programs, available supplies of different foods, and market conditions.

The authority to purchase dairy products contained in S. 2152 is not needed, as section 709 of the Food and Agriculture Act of 1965 authorizes purchases at market prices for program uses when CCC's supplies are insufficient for such programs. This is continuing authority which is not contingent upon extension of other provisions of the act beyond December 31, 1970.

The CHAIRMAN. If S. 2595 is amended as you propose, would you be for it?

Mr. EMMERY. Yes, sir.

The CHAIRMAN. That is the Nelson bill?

Mr. EMERY. Yes, sir; that is right.

Senator HOLLAND. You are testifying for the Department?

Mr. EMERY. Yes, sir.

The CHAIRMAN. Are there any further questions?

(No response.)

The CHAIRMAN. Thank you very much, sir.

Miss Martin, would you care to testify again?

Senator TALMADGE. Mr. Chairman, Miss Martin, as you know, is the chief consultant for the school food service program in the State Department of Education in Atlanta, Ga. She is one of the most knowledgeable and dedicated public servants I have ever seen.

She was of tremendous help to me in drafting the bill that I have submitted for the consideration of the committee. She and I and other officials, local and State, visited perhaps a dozen Georgia schools, urban and rural, high-income areas and low-income areas, to see the actual operation of the school lunch program and the breakfast programs in those various facilities.

I do not think I have talked to anyone who has a better knowledge and comprehension of the food program in the schools than Miss Martin. It is an honor for me to present her to this committee.

The CHAIRMAN. Thank you very much, Senator.

You may proceed, Miss Martin.

STATEMENT OF JOSEPHINE MARTIN, CHIEF CONSULTANT, SCHOOL FOOD SERVICE, GEORGIA DEPARTMENT OF EDUCATION, ATLANTA, GA.—Resumed

Miss MARTIN. Mr. Chairman and members of the Senate Committee on Agriculture, thank you for allowing me an opportunity to appear before the committee in behalf of S. 2548, and especially thank you to Senator Talmadge for that gracious introduction.

I am indeed grateful for the continuing concern, support, and leadership that the Agriculture and Forestry Committee has shown for child nutrition programs. The visionary leadership of the authors of the National School Lunch Act in 1945 is echoed in S. 2548. Some of the provisions contained in early versions of the National School Lunch Act as presented by Senator Ellender and Senator Russell, but were deleted before passage, appear again in S. 2548.

With the potential of S. 2548 building on the firm foundation of the National School Lunch Act and the Child Nutrition Act of 1966, it must be said, "The past is prologue—the best is yet to come."

There is an unfinished task in child nutrition; the passage of comprehensive statutory reforms, adequate funding, and administrative changes are necessary to achieve the objective of this decade as expressed early in the sixties by Secretary Orville Freeman, "Never let it be said of this decade that we put a man on the moon but failed to put food in the mouths of hungry children."

Provisions contained in S. 2548 for more adequate funding focusing funds on economically needy children rather than schools, identifying and providing for nutrition education, research, experimentation and staffing, evaluation and planning, and involving States in financing child nutrition programs, will provide incentive to States for comprehensive planning to meet the unfinished task.

In my estimate, S. 2548 will help us to make this a child nutrition program rather than simply a child or a food service program.

"Roadblocks" built into existing programs and regulations are discouraging to even the most aggressive administrators. How very difficult it is, for example, to forcefully say to school systems "Implement the system level free and reduced price lunch policy" when the need far exceeds funds available, or when the school lacks facilities for serving all pupils, or when the system lacks funds to pay labor and operating costs, or when the system administration, overburdened with problems rampant in schools of today, simply does not have the staff necessary to effectively implement the policy, or when competitive foods and beverages on the campus are purchased by needy children at a profit to the school.

S. 2548 will help to alleviate these problems.

You have heard it said already this morning that we are serving about 37 to 40 percent of the Nation's children. Of the 6.6 million economically needy children, at the most it is estimated, after last

year's figures are in, that we shall not reach over 4 million of those. Some statistics show the need to be as high as 7.5 million children.

Equally appalling are the findings of the Household Food Consumption Report that shows more families are less well fed in 1965 than in 1944; fewer families buy fewer dairy products, fruits and vegetables than 15 years ago. The preliminary findings of the national study reveal a high prevalence of problems related to vitamin C, vitamin A, and iron deficiencies.

School food service in Georgia schools is an integral part of the educational system. As Senator Talmadge has referred to food as a tool of education, school administrators in Georgia do recognize the value of food. Therefore, food service has the support of the State administration—State board of education, State superintendent, and Governor; food service facilities are included when new buildings are built; State funds are provided to help pay labor costs—first time 1970 fiscal year; title I funds are used by systems to provide lunches to economically needy pupils—over \$2 million in fiscal year 1969.

In our State, eight out of 10 children have lunch at school. All schools except two have lunch programs. Eighteen percent of lunches served free or at a reduced cost to the child. Six hundred schools serve more than 20 percent lunches free or at a reduced cost. Special assistance is approved in 274 schools, and we anticipate approximately 100 schools will serve breakfast during the 1970 school year.

Conversely two out of 10 children do not have lunch at school. It is our best estimates that one of those children does not eat because he does not have the money. Poor food habits, lack of food information, or competition for his money cause the other child to pass the lunch program by. Only 7,500 of Georgia's 240,000 economically needy children have breakfast at school. It is estimated that 150,000 children need breakfast at school in Georgia.

The task of child nutrition in Georgia is incomplete; S. 2548 provisions will contribute to closing the nutrition gap.

I shall try to relate to you the need for the various provisions of S. 2548 and say how I think they will help us.

Section 1: Advance appropriations and carryover:

School food service in Georgia is a \$55 million business which served 140 million lunches in the 1968-69 school year. Sound business procedures demand planning and budgeting for efficient management. With appropriations being made late in the year, systems have no basis for sound planning. They do not know how many children they can actually serve until the appropriations or the State allocations are made, which may come up in the middle of the year, December, as last year. When the money is received that late in the year, we are not in a position, or school districts are not in a position, to make the maximum use of the money. So advance appropriation would permit States and systems to plan for effective use of funds to meet nutrition needs of children and provide for efficient use of funds.

Section 2: Non-food assistance:

According to a survey by the American School Food Service Association, there are more than 6,000 schools in the United States that are considered economically needy schools which have no food service facilities. If it is our goal to provide lunches to all economically needy

pupils in America, then certainly those school districts that do not have facilities must have some help in providing the facilities.

So that is one need of non-food assistance.

Another need for non-food assistance is in the schools that have facilities, but they are meager or obsolete. For example, there are 167 schools in Georgia that serve fewer than 60 percent of the pupils. A study of these schools reveal that facilities are not adequate to serve all pupils. The food service departments were built during the 1950's. Even though the school administration would like to serve all, they simply do not have the serving space in the dining rooms, or what-have-you, and the facilities to prepare the food to serve all of the children. So we have two definite needs for non-food assistance.

Georgia has 47 of the 253 neediest counties in America, according to a chart in "Hunger, USA." The schools need help to purchase equipment if the children are to be served. The local school districts simply do not have the money from local sources to provide the equipment. Therefore, non-food assistance is desperately needed, even in our rural, and certainly in our metropolitan, areas.

We need to take advantage of the newer technology for more efficient operations. So non-food assistance is needed, not only where there is no food service, but in other schools as well.

We need nonfood assistance now and we need to let school systems know that we can count on continuing to get some nonfood assistance rather than having a large amount of money this year without any promise of helping them next year, or the next, in providing for or updating facilities.

Section 3 provides for administrative expenses, nutrition education, and direct expenditures.

The school food service program is designed to "provide nutritionally adequate meals" for school children and to teach good food habits. The school, believing that food is important to the child's health and education, must then be concerned with the child's total food needs.

The school food service offerings should be an exemplary nutrition program where pupils have access to foods needed for a nutritionally adequate diet and a daily opportunity to learn to eat a variety of foods. Through school food service, markets are built for foods.

Dr. Arnold Schaeffer's report of the preliminary findings from the National Nutrition Study revealed low serum levels of ascorbic acid; a dietary study of children in Georgia revealed that intake of vitamin C foods for all children was deficient when USDA orange juice was no longer available. Because of the important interrelationship with other nutrients, school food service programs need more vitamin A, vitamin C, and protein foods made available as USDA donated foods.

Local merchants, as well as parents, report changes in food buying practices resulting from children having lunch at school.

We have been particularly impressed with the small grocery store operators back in the mountains of north Georgia who have told us how they have had to change their buying practices because of the children demanding changes with the foods at school.

Now, on the State matching requirement, we have already discussed this and I shall get the information that you have asked for. There is just one other point that I would like to make.

I find it very difficult to explain to the State legislatures that we have a 3-for-1 matching, whereas many other Federal programs have a 1-for-1 matching.

Then we have to explain further that none of this is actually required from State revenues. From a logistical point of view, it would be much easier for the State to explain matching funds if it were a dollar-for-dollar basis, rather than a 3-for-1 basis.

We do need the money from inside the State to help pay for labor costs. Since the minimum wage law was extended to school lunch personnel in 1967, labor in the school lunch program in Georgia has increased \$5 million a year.

The question was asked, what incentive do States have now for providing State matching money. I do not think there is any real incentive, and by having this required matching provision, it would help the States to see a reason for providing money.

After reading the testimony of the 1945 and 1946 hearings on school lunch, it appeared to me that the intent, even back then, was for the States to gradually assume more responsibility for financing this program. Several States have, from the earlier days of the National School Lunch Act, provided a high level of support. Louisiana is an outstanding example, and I think it would be particularly good for us to point out at this time that Louisiana ranks first in the United States in the percentage of pupils served.

Because of their State matching money, they have been able to keep the price of lunch within the reach of the majority of children, and, consequently, a higher percentage of children have bought lunches. This is an example of what State support will do.

We do need money for State administrative expenses. With the changing technology in food service, with the renewed recognition to nutrition education as a part of the school food service program at the State level, we need to provide staff that is competent and professional and specialized to deal with these problems in working with school districts.

Last week, a superintendent called in desperation and said, please send help; we are feeding children all day long, 500 for breakfast, 750 for lunch. We are serving lunch 3 hours.

On Monday morning, a supervisor from my staff was there and stayed 3 days. He called on Wednesday to say serving time had been reduced to 1 hour.

This is only one example of why a State staff is needed to help systems organize expanded food programs. Under the additional programs, there is a need to change special assistance from providing help with the cost of food only to providing up to 80 percent of the cost, and also for the change in reduced price lunches.

In the South, where we are having reorganized school districts and changes in structure and shifting populations, the definition of a special assistance school just no longer fits, and it is hard under the present law to get the money where the needy children are.

By amending this provision of the National School Lunch Act to help us to get the money to the needy child, we think we could do a more adequate job of providing lunches to all economically needy children.

S. 2548 also asks to have a reduced price lunch defined at 20 cents. The working definition of a reduced price lunch at this time is one that is served to an economically needy child for 10 cents or more below the prevailing sale price in the system or school. States report reduced price lunches according to the definition.

The application of this definition is widely interpreted. In the Appalachian section of Georgia, for example, the sale price in the entire school district is established at 25 cents for all children; therefore, those are not considered reduced price lunches; whereas, in an urban area, where the sale price is established at 35 cents, then all of the lunches sold at 25 cents are considered reduced price lunches. This makes for very broad interpretation and, in my judgment, inequitable allocation of section 11 money to the States.

A definition of 20 cents as a reduced price lunch would allow uniform and equitable application throughout the Nation.

Under the special assistance program and the increased funding provided in section 7, there is a tremendous need for additional funds. I have made an estimate based on the amount of money that Georgia received from the Federal funds last year and the appropriation as approved by the Senate and by the House. Of course, that has not been finally approved.

The estimate of the amount of money is needed in order to help local systems to do planning. There are still 82,000 economically needy children in Georgia that do not have lunches. If we were to try to close the gap, and we basically have the facilities to do it, we would come \$2 million short this year, with the proposed appropriation, in providing 20 cents a meal for these lunches.

We know that the actual cost of locally purchased food is 21 cents a meal. In my judgment, there is not enough money contained in the present appropriation to close the nutrition gap, certainly not in Georgia.

School administrators in Georgia are still budgeting approximately \$2 million a year of title I money for school food service. We appreciate this, because it has made it possible for many children to have lunches who would not have had lunches. But we would prefer to see the child nutrition funds channeled through the child nutrition programs in order that we could do a better job of planning and budgeting and seeing that all children's needs are met.

There is a need for some kind of standard in the schools that do not participate in the national school lunch program. Those schools, and there are approximately 14,000 of them in the Nation, receive section 32 and 416 commodities, and are also eligible for special milk reimbursement. These schools are not required to meet any meal standard; they are not required to provide lunches to economically needy children. Yet they are receiving a considerable amount of Federal assistance.

We feel very strongly that we do need to have some standards; some nutrition standards and some standards for providing lunches to the economically needy children in all of the schools that are receiving Federal assistance, because many poor children attend schools that do not participate in the national school lunch program.

We need the experimental programs that would be provided in S. 2548. The new technology that is available in our country today de-

mands new systems of food service production. We have not had enough research or pilot programs or experimentation in school food service to know how to guide school districts.

For example, in Cobb County, Ga., which is in the metropolitan area of Atlanta, enrollment will double during the next decade. What kind of plans, what kind of leadership, what kind of food service systems should we be helping Cobb County to provide? Through the experimentation that will be available under this kind of program, we shall be able to have some pilot programs and to develop some technique to be able to help the school systems more.

Would you believe, also, that some schools which enroll very poor children sell snacks in competition with school lunch? One superintendent in Georgia advised me last week that revenue in the snack bar last year was equivalent to revenue in the school lunch. Yet that school was providing, the last month of school, free lunches to almost every child.

Some restrictions and definitions are needed to help children get nutritious foods and to learn to use their money wisely. In some instances, children have money to buy snacks at school, but will not buy lunches or do not wish to pay a reduced price for lunch.

S. 2548 also has a provision for nutrition specialists to help local school districts. In many instances, title I funds have been used to employ school lunch supervisors at the local level. In Atlanta, an annual savings of \$77,000 was realized when the superintendent approved the employment of five coordinators to help schools bake their breads from donated foods. If we could isolate and identify an \$77,000 saving on one single item, how much more if we could do a complete study of food service management could we realize by having a professional coordinator of food service at the local level?

Unfortunately, many of the rural school systems that are in the economically neediest counties do not have local revenue funds to employ food service specialists. Therefore, we feel this is a real need.

Federal assistance is available for professional training in practically every area of specialization in education except school food service. When Sputnik was launched the National Defense Education Act was passed and science and math teachers trained by the score.

Since the original passage of NDEA, many fields have been added for training. It is not logical to assume that professionally trained personnel are needed to win the war on hunger as much as the war on space?

We need nutrition research as called for in this bill.

There is one other provision that I would like to briefly speak to. That is the National Advisory Council.

School food services serves millions of pupils and involves thousands of persons in administration and operation of the program. Literally billions of dollars are invested in the program.

Present focus on nutrition has limelighted school food service as a dynamic program. It must be dynamic to meet child nutrition needs; it must be dynamic to change structurally with technological advances.

A National Advisory Council on Child Nutrition is needed to stimulate and direct change in child nutrition programs.

Planning and evaluation are essential components of management. We would recommend that a part of this, either through regulation or otherwise, would be that States would be required to submit State plans of operation that would show to the Department of Agriculture that States plan to use the latest technology in operating school food service programs rather than continuing to use some of the obsolete methods of food service management.

There are other needs for child nutrition. S. 2548 will not be a cure-all for problems of child nutrition. It will, however, supplement the National School Lunch Act and the Child Nutrition Act. It will fill some gaps; it will broaden some horizons. It will indeed provide direction and incentive to States and school districts for more adequately meeting the nutritional needs of children.

Meeting the nutrition and nutrition education needs of children is as basic as reading, writing, and arithmetic. Just as the new math is more complicated, so is school lunch more complicated than in the old days.

The hope of the future is in the hands of the children whom we have opportunity to serve.

I sincerely hope that you will look with favor on S. 2548.

Thank you.

(The prepared statement of Miss Martin is as follows:)

Mr. Chairman, and members of the Senate Committee on Agriculture and Forestry; thank you for allowing me an opportunity to appear before the Committee in behalf of S. 2548. I am indeed grateful for the continuing concern, support, and leadership that the Agriculture and Forestry Committee has shown for Child Nutrition Programs. The visionary leadership of the authors of the National School Lunch Act in 1945 is echoed in S. 2548. Some of the provisions contained in early versions of the National School Lunch Act as presented by Senator Ellender and Senator Russell, but were deleted before passage, appear again in S. 2548.

With the potential of S. 2548 building on the firm foundation of the National School Lunch Act and the Child Nutrition Act of 1966, it must be said "the past is prologue—the best is yet to come."

There is an unfinished task in child nutrition; the passage of comprehensive statutory reforms, adequate funding, and administrative changes are necessary to achieve the objective of this decade as expressed early in the 60's by Secretary Orville Freeman "never let it be said of this decade that we put a man on the moon but failed to put food in the mouths of hungry children." Provisions contained in S. 2548 for more adequate funding, focusing funds on economically needy children rather than schools, identifying and providing for nutrition education, research, experimentation and staffing, evaluation and planning, and involving states in financing Child Nutrition Programs, will provide incentive to states for comprehensive planning to meet the unfinished task.

"Roadblocks" built into existing programs and regulations are discouraging to even the most aggressive administrators. How very difficult it is, for example, to forcefully say to school systems "implement the system level free and reduced price lunch policy" when the need far exceeds funds available, or when the school lacks facilities for serving all pupils, or when the system lacks funds to pay labor and operating costs, or when the system administration, overburdened with problems rampant in schools of today, simply does not have the staff necessary to effectively implement the policy, or when competitive foods and beverages on the campus are purchased by economically needy children at a profit to the school.

S. 2548 will help to alleviate these problems.

What is the unfinished task? According to USDA statistics 40% of the nation's children are having lunch at school. Of the 6.6 million economically needy children, only an estimated 4 million were reached in 1968-69. Some statistics show the need to be as high as 7.5 million children.

Equally as appalling are the findings of the Household Food Consumption Report that shows more families are less well fed in 1965 than in 1955; that

families buy fewer dairy products, fruits and vegetables than 15 years ago. The preliminary findings of the National Nutrition Study reveal a high prevalence of problems related to vitamin C, vitamin A, and iron deficiencies.

School food service in Georgia schools is an integral part of the educational system. School administrators recognize the value of food as a "tool of education." Therefore, food service has the support of the state administration (State Board of Education, State Superintendent, and Governor); food service facilities are included when new buildings are built; state funds are provided to help pay labor costs (first time 1970 Fiscal Year); Title I funds are used by systems to provide lunches to economically needy pupils (over 2 million dollars in Fiscal Year 1969).

Eight out of 10 children have lunch at school. All schools except 2 have lunch programs. Eighteen percent (18%) of lunches served free or at a reduced cost to the child. Six hundred (600) schools serve more than 20% lunches free or at a reduced cost. Special Assistance is approved in 274 schools, and approximately 100 schools will serve breakfast during the 1970 school year.

Conversely 2 out of 10 children do not have lunch at school. Conservatively speaking, at least one does not eat because he does not have the money. Poor food habits, lack of food information, or competition for his money cause the other child to pass the lunch program by. Only 7,500 of Georgia's 240,000 economically needy children have breakfast at school. It is estimated that 150,000 children need breakfast at school.

The task of child nutrition in Georgia is incomplete; S. 2548 provisions will contribute to closing the nutrition gap.

I shall try to relate to you the need for the various provisions to complete the task:

SECTION 1: ADVANCE APPROPRIATIONS AND CARRYOVER

School food service in Georgia is a 55 million dollar business which served 140 million lunches in the 1968-69 school year. Sound business procedures demand planning and budgeting for efficient management. With appropriations being made late in the year, systems have no basis for sound planning. Only when allocations are revealed can systems determine the number of children that can be served and the quality of food service.

Advance appropriation would permit states and systems to plan for effective use of funds to meet nutrition needs of children and provide for efficient use of funds.

SECTION 2: NONFOOD ASSISTANCE

More than 6,000 schools in the United States draw attendance from low-income communities which have no food service facilities. Many schools have meager or obsolete facilities; inadequate to provide lunches for all pupils.

There are 167 schools in Georgia that serve fewer than 60% of the pupils. A study of these schools reveal that facilities are not adequate to serve all pupils. The food service departments were built during the 1950's. Georgia has 47 of the 253 neediest counties in America according to a chart in *Hunger, USA*. The schools need help to purchase equipment if the children are to be served.

Although many schools have some type food service facility, technological changes, labor supply and demand necessitate the consideration of new systems for efficiency. Funds provided for nonfood assistance would allow the rural as well as urban to utilize modern technology for child nutrition.

Therefore, expanded and consistent help is needed for nonfood assistance; to make food service available where there is none; to up-date facilities and systems of food service that will assure maximum service to pupils and efficiency of operations.

SECTION 3: ADMINISTRATIVE EXPENSES, NUTRITION EDUCATION, AND DIRECT EXPENDITURES

The school food service program is designed to "provide nutritionally adequate meals" for school children and to teach good food habits. The school, believing that food is important to the child's health and education, must then be concerned with the child's total food needs.

The school food service offerings should be an exemplary nutrition program where pupils have access to foods needed for a nutritionally adequate diet and a daily opportunity to learn to eat a variety of foods. Through school food service, markets are built for foods.

Dr. Arnold Schaeffer's report of the preliminary findings from the National Nutrition Study revealed low serum levels of ascorbic acid; a dietary study of children in Georgia revealed that intake of vitamin C foods for all children was deficient when USDA orange juice was no longer available. Because of the importance of vitamin A, vitamin C, and iron in the diet and their important interrelationship with other nutrients, school food service programs need more vitamin A, vitamin C, and protein foods made available as USDA donated foods.

Local merchants, as well as parents, report changes in food buying practices resulting from children having lunch at school.

SECTION 4: STATE MATCHING REQUIREMENTS

The National School Lunch Act contained matching requirements on a sliding scale which eventually amounted to 3 dollars from sources inside the state for each federal dollar.

The legislation was interpreted to allow pupil payments to count as matching funds.

As a result of this interpretation of matching funds, fewer than 25 states share in financing school food service. The lack of cooperative financing has created some roadblocks. Some school districts still treat school food service as an outside group. Employees are not considered school board employees. Food service income is tapped for utilities for the department and in general must be considered self-supporting.

Federal support is limited to helping pay for the cost of food. With rising labor costs, mandated by the Fair Labor Standards Act, there are 2 alternatives (1) increases pupil sale prices and (2) secure state and local financial support. Paying children are already helping to finance food service for all children, and therefore it hardly seems fair to increase the burden on those parents.

Paid pupil participation also decreases when lunch prices are increased, and free lunch participation increases. The answer seems not to be in increasing sale prices to pupils.

Required state matching as outlined in S. 2548 is realistic and easier to explain than the provisions of \$3 to \$1 contained in the present bill. The provisions would ultimately (10 years) require states to match each federal dollar with 50 cents from public funds. For example, Georgia received \$7,343,747 in 1968-69. Required matching:

1971, 10%, \$734,374; 1972-74, 20%, \$1,468,749; 1975-77, 30%, \$2,203,124; 1978-80, 40%, \$2,937,498.

The required matching from state funds would be equivalent to about 2 cents per meal in 10 years contrasted to the federal contributions of approximately 15 cents per meal (including Section 11 and donated foods).

Several states have from the early days of the National School Lunch Act provided a high level of state support. Louisiana is an outstanding example. Louisiana ranks first in the United States in percentage of pupils served.

SECTION 5: STATE ADMINISTRATIVE EXPENSES

School districts need leadership from the state agency to complete the task of child nutrition. State agencies need a staff with specialized competence in food service and nutrition education. The problems of rapidly expanding food service demand specialists or the food service system will not work. A superintendent called in desperation last Friday, "Please send help. We are feeding children all day long: 500 for breakfast; 750 for lunch. We are serving lunch 3 hours." A supervisor was there on Monday morning and stayed three days. He called Wednesday to say serving time had been reduced to 1 hour. This is only one example of why state staff is needed to help systems organize expanded food programs.

SECTION 6: ADDITIONAL PROGRAMS

Since 1962, Georgia has used Section 4 funds to provide higher levels of assistance to economically needy schools. There are 274 schools identified for Special Assistance.

Reorganization of school districts, changes in structure, and shifting populations necessitate provision for Special Assistance funds to follow the child.

Most schools have pockets of need and only through statutory provision change will states and systems be allowed to place the funds where need is.

States earn Section 11 funds on the basis of free and reduced price lunches served. The "working definition" of a reduced price lunch is one that is served to an economically needy child for 10 cents or more below the prevailing sale price in the system or school.

The application of this definition is widely interpreted. In Appalachia, the sale price is established at 25 cents for all children; in an urban area, the sale price is 35 cents for regular schools and 25 cents in Special Assistance Schools. The urban area reports all 25 cent lunches as reduced price whereas the rural Appalachia reports 25 cent lunches as paid lunches. A definition of 20 cents as a reduced price lunch would allow uniform and equitable application.

Schools often are not able to use federal funds for lunches because they have no funds for labor. Permitting low income schools to receive up to 80% of the cost from federal sources would help to reach more needy pupils. The Child Nutrition Act permits schools to receive up to 80% of the cost from federal funds. Labor costs in Georgia have increased five million dollars since the Minimum Wage Law became effective February 1, 1967.

Many schools that draw attendance from poor communities do not have funds to pay labor costs. Under the provisions of the Fair Labor Standards Act, schools must pay \$1.30 per hour for labor effective February 1, 1969; \$1.45 in 1970; and \$1.60 in 1971. Many school districts located in high labor markets are paying more than \$2.00 per hour for labor. At the minimum rate of \$1.30 per hour and average production level of 10 meals per man hour, labor costs 13 cents per meal.

Many of the low-income schools are located in counties that are also very poor. Georgia has 47 of the 250 neediest counties in America. 73,511 needy children are located in these counties; only 18,432 have lunches.

The local school districts do not have money to pay labor costs. Schools cannot use the additional funds for food unless they secure help with labor and other operating costs.

SECTION 7 : SPECIAL ASSISTANCE :

Before the child nutrition needs are met, funds must be provided.

Funds secured through OEO and Title I are heavily relied upon to supplement National School Lunch Act and Child Nutrition Act funds but the gap still exists.

Planning and administration would be more effective if all funds were appropriated through Child Nutrition Programs. To close the lunch gap for needy children in America in 1969-70, an additional 214 million dollars is necessary. Georgia alone needs 15 million dollars to provide lunches to the 240,000 economically needy pupils. Fragmented efforts, although beneficial, cannot provide the major thrust needed.

SECTION 8 : REGULATIONS AND SPECIAL DEVELOPMENT PROJECTS

14,000 schools in the United States do not participate in the National School Lunch Program but receive Section 32 and 416 donated foods and special milk reimbursement. No requirement is imposed on these schools for meal standards or for providing meals to economically needy children attending such schools. National School Lunch Program Schools are required to meet free lunch requirements and also to serve nutritious lunches and may receive only 3 cents cash reimbursement. Whereas, a school choosing not to participate in the National School Lunch Program could receive 3 cents milk reimbursement. Section 32 and 416 commodities and make no attempt to safeguard nutrition needs of pupils or to provide lunches to needy pupils.

Unfortunately many poor children attend schools that do not choose the National School Lunch Program.

School food service has traditionally operated on a school by school basis. New technology demands new systems of food service production. Funds are needed for research and experimentation. For example, Cobb County Georgia School in metropolitan Atlanta will almost double during the next decade. What kind of plans, what kind of leadership, what guidance can states give without some experimentation?

Would you believe that some schools which enroll very poor children sell snacks in competition with school lunch? One superintendent advised me last week that revenue in the "snack bar" was equivalent to revenue in "school lunch." Some restrictions and definitions are needed to help children get nutritious foods and to learn to use their money wisely. In some instances children have money to buy snacks at school, but will not buy lunches or do not wish to pay a reduced price for a lunch.

SECTION 9 : RESEARCH AND TRAINING : NUTRITION SPECIALISTS ;
NATIONAL ADVISORY COUNCIL, NUTRITION EDUCATION

School food service management and nutrition education are highly specialized areas and demand professionally trained leaders. Many school districts have such persons directing and coordinating programs; unfortunately, many school districts that have high percentage of needy children are least able to employ a food service director. Responsibility for menu planning, the key to planned nutrition; purchasing and management, the key to fund management and control; nutrition education, the correlation of laboratory with academic instruction is delegated to a non-professional.

It is estimated that a 10-20 percent savings can be realized when volume purchasing procedures are implemented. Many schools operate autonomously and have none of the advantages of such savings; donated foods are available to all schools; however, personnel must know how to use these foods to take advantage. In the Atlanta School System, an annual savings of \$80,000 was realized by teaching personnel to use donated foods for baked products. The Atlanta System has a staff of 6 food service and nutrition education specialists including the director.

A food service specialist is needed for each 20 food service programs; this formula allows the specialist to devote a minimum of 4 hours individualized help per month to each program.

The key to accomplishing long range goals of child nutrition is adequate funding and trained personnel. Because school food service is a relatively new field and remuneration has been low, recruitment efforts have been limited.

When opportunities are limited, professional training is minimized. Professional food service training needs to be expanded in the Land Grant Colleges.

The rapidly changing food service industry, expanding school food service, and nutrition research mandates retraining of personnel in school food service as well as training new personnel to assume jobs.

Federal assistance is available for professional training in practically every area of specialization in education except school food service. When Sputnik was launched, the National Defense Education Act was passed and science and math teachers trained by the score. Since the original passage of NDEA, many fields have been added for training. Is it not logical to assume that professionally trained personnel are needed to win the war on hunger as much as the war on space?

NUTRITION EDUCATION

Nutrition learning is reinforced when teachers correlate formal instruction with the actual activity of eating.

With the blessings of food abundance in America and an affluent society, many Americans could be adequately nourished who are not. The preliminary findings of the Household Food Consumption Survey recently released by the United States Department of Agriculture indicates that *fewer* families are *adequately* nourished than ten years ago; that *more* families are *poorly* nourished; that the intake of dairy products and fruits and vegetables has decreased and the intake of confections and soft drinks has increased; and that the low-income family gets more nutrition from the food dollar than does the middle-income family. We have a national commitment to nutrition education. President Richard Nixon stated on May 6, 1969, "But the moment is at hand to put an end to hunger in America." Implementation of this commitment will require "education" and "money."

Why shouldn't the teaching of nutrition be considered as critical now in the War on Hunger as was the teaching of science when Sputnik was launched? If nutrition is considered a critical area, funds should be made available, or laws changed to permit use of certain federal funds to teach teachers nutrition. As nutrition education is then related to an "accelerated" school feeding program, a giant step would be made in winning the War on Hunger.

NUTRITION RESEARCH

Although the National School Lunch Act will soon be 25 years old, little research has been conducted in relation to school food service.

Technological changes in food service industry have implications and application for school food service.

Research needs to be conducted to provide guidance in program management. Nutrition surveys are needed regularly to evaluate status of food habits of children.

ADVISORY COUNCIL

School food service serves millions of pupils and involves thousands of persons in administration and operation of the program. Literally billions of dollars are invested in the program.

Present focus on nutrition has limelighted school food service as a dynamic program. It must be dynamic to meet child nutrition needs; it must be dynamic to change structurally with technological advances.

A National Advisory Council is needed to stimulate and direct change in Child Nutrition Programs.

Planning and evaluation are essential components of management. A required state plan would, in my opinion, produce more effective leadership in the states.

There are other needs for child nutrition. S. 2548 will not be a "cure" for all problems of child nutrition. It will however supplement the National School Lunch Act and the Child Nutrition; it will fill some gaps; it will broaden some horizons; it will indeed provide direction and incentive to states and school districts for more adequately meeting the nutritional needs of children.

Meeting the nutrition and nutrition education needs of children is as basic as reading, writing, and arithmetic. Just as the new math is more complicated so is school lunch.

The hope of the future is in the hands of the children whom we have opportunity to serve.

The CHAIRMAN. All right. That is a very nice statement, Miss Martin.

We have already asked you to furnish certain data. I personally will not question you on that. But you said in your statement that it would require \$2 million more to give the children of Georgia the food and the program that you envision under Senator Talmadge's bill?

Miss MARTIN. Well, actually, the \$2 million would not be as broad as it is under Senator Talmadge's bill. We would lack \$2 million under the present program, the 1970 fiscal year appropriation. Now, if we could fund 80 percent of the cost as provided for in Senator Talmadge's bill, the cost would be greater than \$2 million.

The CHAIRMAN. And that would have to come from where?

Miss MARTIN. This would have to come from Federal sources. But the amendment to section 1 of the NSLA, as specified in Senator Talmadge's bill, would more nearly provide the lunches to all economically needy children than the moneys which are now authorized.

The CHAIRMAN. Now, do you have in Georgia any program for teachers of child nutrition?

Miss MARTIN. We do not have an organized program for all teachers to take nutrition. Through leadership, insisting, and that sort of thing, we do provide nutrition programs. We have seminars for classroom teachers which they may attend on a voluntary basis. We solicit the support of the Agriculture Commodity Commissions to help finance such a program. We do not have—we cannot go to the University of Georgia, for example, and say, look, we have this many scholarships for teachers in nutrition education.

This is the kind of thing that we need, to be able for the colleges to set up programs and for teachers to get scholarships to take courses in nutrition.

The CHAIRMAN. Well, under the food stamp program that was enacted by the Senate last week, it was stated during the hearings that many of the children who participate in the school lunch pro-

gram are able to bring home some evidence which would go far toward having the family provide a balanced meal. Would you agree with that?

Miss MARTIN. I think there is a need for this. I do not feel that we are utilizing the school lunch program as an educational tool the way that we could if the teachers had more knowledge of nutrition. Many teachers do not deal in nutrition because they do not feel that they had enough nutrition or the techniques of nutrition education to incorporate this into the everyday classroom situation.

The CHAIRMAN. Well, since the hearings started under the special committee headed by Senator McGovern, the Government has provided for the payment of 5,200 nutritionists to be located in various parts of the country. Are you familiar with that?

Miss MARTIN. I believe this is in connection with the Extension Service.

The CHAIRMAN. That is the point I was going to ask. Is it not possible that this nutrition program to which you refer could be handled in connection with the Extension Service?

Miss MARTIN. I find that it is often very difficult for an agency, even one as cooperative as the Extension Service, to become an integral part of the class, of the school situation per se. Whereas the classroom teacher has contact with the children every day, the Extension nutritionists, even though there are several thousands of them, would not be able to make contact with all of the teachers to provide the nutrition training that the teacher needs. We need to bring it down closer to all of the children.

The CHAIRMAN. Of course, what I had in mind was bringing it closer to the mothers of the children who go to school, those who prepare their lunches. Do you not think a program of that kind could be worked out whereby the schools could cooperate with the nutritionists who are hired by the Federal Government in order to bring the knowledge to the mothers of those children who participate in the school lunch?

Miss MARTIN. I definitely think they could work together; and actually, the Extension home economist would be the one that would work most closely with the mothers. There still needs to be a professional nutrition person working with the school to see that this gets to the county Extension person, to the Extension home economist.

The CHAIRMAN. Well, you do not have that now?

Miss MARTIN. No.

The CHAIRMAN. Would this bill of Senator Talmadge's—

Miss MARTIN. The nutrition specialists that are specified in Senator Talmadge's bill would serve as a coordinator, a go-between.

The CHAIRMAN. Would these specialists be stationed at each school or over the State?

Miss MARTIN. The formula is not included in S. 2548, but probably one specialist for maybe 15 or 20 schools, to coordinate this phase with the local school people and with the county health nutritionist, with the county Extension. Because if we are going to really do a good job of nutrition education, all nutrition must be coordinated.

The CHAIRMAN. Well, I agree to that fully. What I had in mind was to save another bureaucracy, if we could do it through the Extension Service and have the Extension Service head it; we might go a good way toward providing nutrition education.

MISS MARTIN. Well, through the nutrition specialist working directly with the schools, she would be able to give in-service training to managers on menu planning and nutrition education, as well as work with the teachers. I think they are both needed, and I do not foresee this as a burden. I think it would be a real asset to the local school superintendent, particularly in these days when the school superintendents have many programs to administer.

They need to have one person to whom they can delegate the school nutrition program for purposes of coordination, education, and management.

Senator HOLLAND. I have one question.

The \$2 million extra from Federal sources that you spoke of would be sufficient, as I understand you, only to make sure that the economically dependent children would be fed, not that all children in Georgia would be fed?

MISS MARTIN. Yes, sir, that is correct. We need about \$2 million more just to take care of the economically needy.

Senator HOLLAND. I thank you.

Thank you, Mr. Chairman.

Senator MILLER. I enjoyed and appreciated your excellent testimony, Miss Martin. I have two questions.

You made the point that some of the students will not buy even a reduced-price lunch but will spend the money in a snack bar?

MISS MARTIN. Yes, sir.

Senator MILLER. I recognize that that is a problem, but do you think that that problem is something for us to resolve at this level, or do you not think that should be handled by the local school people?

MISS MARTIN. I think some guidance is needed at this level.

Senator MILLER. Well, it would seem to me that there would not be much guidance that we could put out at that point. That seems to be a rather obvious problem.

I cannot imagine any school administrator disagreeing with the inadvisability of such a program. What are you suggesting that we do at this level about that?

MISS MARTIN. If the schools were not permitted to sell competitive foods and beverages during the meal hours to receive Federal assistance, this would be a tremendous help, because in the schools, many children will go ahead and buy lunches, but when the snacks are on the right side and the lunches are on the left side, they will take the snacks in preference to lunch because they have not yet learned that this lunch provides foods that their bodies need.

They see some of the snack items. These may be foods that they are able to get at home because they do not have anyone to prepare food for them at home, or they do not have any equipment to prepare food. So they buy the quick-energy snack-type food. If it just were not available during the meal period, this would be a big help.

Of course, one of the basic premises of the National School Lunch Act is that the schools, to be eligible to participate in the national school lunch program, must have a nonprofit food operation. Many schools operate the snackbars to make profit for other school activities.

Senator MILLER. Well, if I were a school superintendent, I think I would put in a rule that the snackbars will be closed in order not to conflict with the serving of school lunches. But I do not know why I

should sit up here in the Congress and write a rule like that. Why your people down at the local level cannot do it, I do not know.

I agree with you about the problem. I agree with you about the solution of the problem. I think you people down there ought to do it at the local school-district level instead of having us here in the Congress do it. That is the only point I want to make on that.

Miss MARTIN. There are tremendous pressures placed on local school administrators when they attempt to implement such a measure, because many local school administrators are elected officials. Some of the people who sell this merchandise at schools are very influential, so it places some school administrators in a very difficult position.

However, there are many school systems in Georgia that have nothing to sell during the school day except the food programs that we are talking about, breakfast, and lunch, and milk.

Senator MILLER. The only comment I would have on that is that if there are some of those who are elected school administrators who have certain pressures put on them, I think those pressures would be minimal compared to the pressures by a good, lively PTA that wants to make sure those lunches are not interfered with.

The second question I have is that you talk about the deficiency of equipment for the purpose of serving these lunches. Could not that deficiency be covered not only by a Federal grant of money to enable the purchase of equipment, but by the local school making a contract with a food services organization, which would have its own equipment and would provide the services?

In other words, a private contractor has his own equipment, has the knowledge, the know-how which you talk about.

I understand you are not going to do that now in a great many cases because of the regulation by the Department of Agriculture which, in that type of case, would not permit Federal assistance. But if that regulation were abolished, would this not be another way for you to obtain the equipment so that we would not have to devote Federal money to purchase the equipment, but the school could contract out that problem, put it in the hands of the people who have the equipment and the people who have the know-how?

Miss MARTIN. Would the Federal Government not be buying the service in another way by paying the higher cost to the food management companies?

Senator MILLER. Well, I can see where they would, but perhaps the school would be paying for it, too, because as it is now the school is going to have to pay for people to come in and work and operate that equipment. Somebody is going to have to pay for it. I am not sure that the Federal Government would be paying for it.

It seems to me the school might be paying for it. What the Federal Government would continue to do would be provide the assistance to the school lunch program.

Miss MARTIN. Senator Miller, in my judgment, this is one of the reasons we so desperately need the funds outlined here for experimentation. I am not sure of the way that we should direct school systems right now. We do not have enough research to say would it be more economical for school systems to buy this or to build their own commissary, freeze their foods, and transport it out.

Senator MILLER. Then would you be in favor of removing that regulation so that we could give it a try both ways?

Miss MARTIN. Actually, the regulation now permits school systems on a pilot basis to utilize food management companies.

Senator MILLER. Are you using any of those in Georgia?

Miss MARTIN. We are not, because, you see, we already have a kitchen in every school except two schools in Georgia. One is on Sapelo Island and one is up in the mountains. There are fewer than 100 children in the two schools.

Senator MILLER. Do you have equipment to enable those kitchens to operate?

Miss MARTIN. In some instances, as I indicated in my testimony, the equipment is obsolete. Maybe by installing convection ovens and steam cooking equipment, maybe by an outlay of \$3,000, we could update that kitchen, because we have the space in the kitchen. We may need more tables and chairs; we would need more tables and chairs regardless of who prepares the food.

But we have basic facilities in Georgia. This was implemented in the fifties when we went through a huge school building program and the State board of education said that school food service would be a priority item in every school building program. So we do not have a school built now without provisions for food service.

Senator MILLER. But you could have a pilot project whereby someone with modern equipment would come in and operate it, could you not?

Miss MARTIN. We could have. I do not see any need for that in our State. There are States that do not have any food service facilities. There are, as indicated, 6,600 schools in the Nation that have no food service facilities. My concern is that we need to get food to these children. If we believe that nutrition is important for children, we need to get food to children and utilize the best technology that we have to do it in the most effective and efficient way.

Senator MILLER. I agree with you, and it looks like Georgia in this respect may be better set up than some other States. My only point is that in fulfilling this objective, it might be worthwhile, offhand, to remove this regulation so that your school districts down there could make a contract with some food service organizations to come in and operate those kitchens and provide the service which otherwise is going to entail perhaps some Federal grant money for equipment, and we get a testing out of the techniques on a comparative basis.

It just seems to me that we ought to try it.

Miss MARTIN. Under the present provisions of the act, and it seems to me that this is something that if we had a number of schools in Georgia that did not have food service, I would certainly encourage school districts to try, would be to buy the TV type meals, which could be sent into the schools, and the school districts may at this point buy the foods.

As Mr. Davis pointed out a while ago, the school districts may buy the foods and have them sent to the schools already prepared. This would not require an outlay of equipment.

Senator MILLER. Thank you very much.

The CHAIRMAN. Senator Talmadge?

Senator TALMADGE. Mr. Chairman, I have no questions. I do want to compliment Miss Martin on what I think is one of the most comprehensive and lucid statements I have heard prepared for this committee since I have been a member of it.

Miss MARTIN. Thank you, Senator.

Senator HOLLAND. I think it is a fine statement, too, and I can easily see that a youngster coming up to a snack bar containing candy bars and packages of peanuts and peanut butter crackers, and all those things, that are so attractive, not only to children but to older folks, too, might be inclined to spend that 30 cents very quickly on things of that kind. Is that what you were talking about, Miss Martin?

Miss MARTIN. Yes, sir; but we would hope to use peanuts as a part of the basic type of lunch, just as we would hope to have orange juice.

Senator HOLLAND. I thoroughly approve that, but if you have it at the snack bar along with the candy bars and all the other attractive things to children and to adults, too, I think a good deal of their very slender cash would be spent there.

Miss MARTIN. Yes, sir.

Senator HOLLAND. I know of no way to prevent that unless the local people see, if they are really interested in children getting a basically sound diet, that they either suspend the sales for a certain time or do not have that kind of a snackbar there.

What were you talking about in connection with snackbar items?

Miss MARTIN. Those were the things that I was—I was not thinking specifically about peanuts, because I do not see too many peanuts sold in snackbars. But it is generally foods that contribute calories and little more than calories. So, in the sale of these foods, if the Congress could give us some help in offering only those foods that contribute to desirable food habits during the meal periods, this would strengthen the nutrition aspect of the program.

Senator HOLLAND. Very well.

The CHAIRMAN. It is now 10 minutes to 1 and we have some witnesses left.

Senator HOLLAND. I have two witnesses here from Miami that I want to be heard without fail.

The CHAIRMAN. I understand.

Off the record.

(Whereupon, there was a short discussion off the record.)

The CHAIRMAN. We shall stand in recess until 2 o'clock.

(Whereupon, at 12:55 p.m., the hearing recessed, to reconvene at 2 p.m., this same day.)

AFTERNOON SESSION

The CHAIRMAN. The committee will please come to order.

We shall continue hearings on the various school lunch bills before us.

The next witness is Mrs. Ethel Beckham, who has with her Mr. William Lehman, of Florida.

STATEMENT OF MRS. ETHEL BECKHAM AND WILLIAM LEHMAN, DADE COUNTY BOARD OF PUBLIC INSTRUCTION, MIAMI, FLA.; AND E. F. HURST, ASSISTANT SUPERINTENDENT, DADE COUNTY SCHOOLS, MIAMI, FLA.

Mrs. BECKHAM. Mr. Chairman and Senator Holland, we of the Dade County school system are here this afternoon basically to urge that consideration be given to the attached resolution that you will

have a copy of, and to ask that the Senate bill 2548 be accorded a favorable report by this committee.

Our school system in Dade County is the seventh largest in the United States, having an enrollment of 236,024. It also has the highest rate of school lunch participation of the seven largest school systems.

Dade County is similar to other large urban areas in that it attracts economically needy families who cannot provide their children with nutritionally adequate lunches.

A uniform menu is served throughout the 228 schools and uniformly administered policies are used in determining the eligibility of pupils for free and reduced price lunches.

At times, I shall be general, Mr. Chairman, and Mr. Lehman will be more specific.

Times of our country's greatest prosperity, we in Dade County have increased the number of reduced price and free lunches served in the 1968-69 period some 67 percent, whereas our total lunch increase in Dade County was some 5 or 6 percent.

We served 21,000-plus such lunches last year and estimate that in the next year, we shall be serving 31,000-plus lunches of this type, which will mean that we are serving 22 percent of our total lunches which will be in the category of free or reduced price lunches.

Above the Federal and local contribution in lunch commodities, the cost of free lunches alone to our system runs \$765,000, or 20 percent free lunch, to be absorbed locally.

You will notice in the third page of what was handed to you at the bottom of the page, if we lump the elementary-school price that we are absorbing, the combination of elementary and secondary education, it runs into 20 cents that we are absorbing locally.

We are appreciative of what the Congress of the United States and the U.S. Department of Agriculture have done in the past by enabling legislation such as the National School Act of 1946 and the Child Nutrition Act of 1966, and other like legislation. We ask that adequate funds be made available and permit cash assistance for free lunches up to 80 percent of the meal cost, and require States to reimburse at a variable rate based on a percentage of such lunches served in the school district.

On July 14, 1969, we, the school board in Dade County, had to increase our lunches from 35 to 40 cents in the elementary schools and from 45 to 50 cents in the secondary schools. We had to do this because of our cash status. Had we not done this, we would have decreased our cash status some \$379,900, leaving us only an operating reserve of \$50,000, and the State department of education recommends that the operating reserve total, at least for 1 year, total \$1,489,000.

You can see that we are running into trouble.

In essence what I am saying is what we had to do in Dade County was that the pupil paying for his lunch supported the nonpaying pupil. This burden placed upon the paying pupil has resulted in sale price increases that I have just mentioned. Each time prices are increased, many pupils no longer can afford to participate in the program, and many pupils become eligible then for a reduced price lunch, or bring an inadequate lunch from home, thus reducing school food service revenue.

The program as it is presently financed has its own built-in, self-destruction which will result in a food service program patronized only by free lunch recipients unless Federal funds are provided to cover the full cost of free or reduced price lunches.

The school food service policies and procedures in Dade County are based on the needs of the individual child in whatever school he is enrolled. The policies are based on guidelines issued by the Secretary of Agriculture; yet the disbursement of these funds is based on categorizing an entire school, as we mentioned this morning at this meeting, as needy, for pupils from families who are more affluent also attend the same school.

The bill proposed by Senator Talmadge, S. 2548, provides for this flexibility that we now need.

Dade County, as I have said, is the seventh largest school district. It serves the highest percentage of "type A" lunches except Hawaii, when compared to the other seven largest districts.

This district has earnestly attempted to meet the needs of pupils in large urban areas operating a centralized system of food service.

In closing, I would like to say that we feel that Senate bill S. 2548 is much needed for the urban areas and that we would like to underscore the fact that the increase in the amount of cash disbursement for free and reduced price lunches served economically needy pupils include the full cost of the lunch less any regular reimbursement commodities and people payments.

We would like to underscore that part of the bill.

We would like to submit that maybe this change would be helpful, that we eliminate the definition of the reduced price lunch as a 20-cent ceiling, but state it in a definition in terms of percentage for the average cost of the lunch.

For instance, the average cost of a lunch being 51 cents, 30 percent of this cost is 17 cents; lunch served at 17 cents or below would be classified as a reduced price lunch, or in terms of the cost of the purchased food only. This would be a suggestion.

The bill also, which we would like to underscore in our position here, eliminates the classification of special assistance schools, appropriates special assistance funds, and permits these funds to be used where needed so that the money can follow the individual economically needy child. This is especially needed in the areas under school desegregation orders at this time.

Thank you.

The CHAIRMAN. All right.

Now, did you want to proceed, Mr. Lehman? Then we shall quote both of you.

Mr. LEHMAN. Maybe I can just reemphasize what Mrs. Beckham has said. She has already covered about all the points I would have liked to see her do.

The only thing I would maybe like to stress is the fact that the particular bind that the Dade County School Board is in relationship to the increasing proportion of free lunches is we can no longer have those absorbed by charging the paying child additional money. To do so, as she has stated, would only drive more children into the free lunch program or drive them out of the school into the neighborhood.

We have an open campus, so the high school kids would go elsewhere to buy lunch, or the elementary school kids would bring their brown-bag lunches.

Now, in Dade County, no kid is going to go hungry. We have a moral obligation that every child in Dade County is going to get himself a lunch one way or another. The only place we are going to get these free lunches is from the other children who are going to buy lunches, or from the school budget itself.

So far, we have not budgeted for free lunches out of local funds.

We have been able to cover approximately a million dollars of overhead for the lunch program out of local funds in the way of maintenance, in the way of administrative bookkeeping, capital expenditures, and so forth, but so far, we have not actually budgeted for free lunches. To do so under our present financial structure, if we took the \$765,000 that the free lunches are costing this year over and above Federal expenditures, this \$765,000 would have to come from some other educational program.

It is not going to come from an additional millage, because we have a millage ceiling there or capital we cannot get it from. So we are going to feed these children. The money is either going to come from additional Federal funds or additional local funds or from the very inadequate, as Mrs. Beckham said, built-in destruction process of overcharging the more affluent child.

So I think the only way we can look for the relief we can really anticipate now is to enable, for us to be able to look to Mr. Talmadge's bill to get a more adequate funding of these needy children up to, as Mrs. Beckham said, about 80 percent of the cost, the rest of the needs to be met by commodities, and so forth.

That would actually resolve the problem, I think, the only way it can be resolved at this time.

I would like to emphasize one other thing based on the school system. That is the job we are trying to do in desegregation of the system by eliminating these pockets of poverty schools and letting the needy funds follow that child to whatever school he is assigned to so that no school will be categorized as a deprived school, as such, as be blanketed where every child in there would get a reduced or free lunch.

I think that the target should be the child and not the neighborhood or the school.

I think that is all.

Is there anything else we should bring out?

Mr. Hurst is with us.

The CHAIRMAN. I wonder if you could tell us how much does the Dade County School System obtain from the State?

Mr. LEHMAN. I think, actually, nothing, except in the way of administrative procedures. At this time, I do not think we get anything from the State except what the State in turn gets from the Federal Government.

Mrs. BECKHAM. It is funneled through.

Mr. LEHMAN. They do the controlling of it but not the contribution.

The CHAIRMAN. What does it cost the State to do that, do you know?

Mr. LEHMAN. I have no idea.

The CHAIRMAN. For Dade County, does the county contribute anything?

Mr. LEHMAN. We contribute the cost of operating the cafeterias, all except the actual cafeteria worker and the cost of the food itself. The county pays everything else—capital expenditures, accounting, book-keeping, supervision, maintenance, and the warehousing of the supplies and all of that, which runs—an off-the-top-of-my-head estimate—would cost approximately a million dollars a year above the actual cafeteria labor and the cafeteria food itself.

The CHAIRMAN. And the county pays for that?

Mr. LEHMAN. The county pays for that, the school budget.

The CHAIRMAN. But it pays for none of the food?

Mr. LEHMAN. None of the food and none of the cafeteria itself. That is actually paid out of the money collected from the paying children plus the funds from the Federal Government and the commodities from the Federal Government.

The CHAIRMAN. Now, since you are for the Talmadge bill which was discussed this morning, how much would the State contribute? Do you know?

Have you figured that out?

Mrs. BECKHAM. From the State level, as we were talking about this morning, if we reduce this to a one-to-one basis from the Federal Government?

The CHAIRMAN. Yes.

Mrs. BECKHAM. We would have to see—the State is doing nothing now, as Mr. Lehman stated. We would not know the answer to that.

The CHAIRMAN. You do not know whether the State would put it up or not?

Mrs. BECKHAM. No, we do not. We would have to go see about that.

Mr. LEHMAN. We are hoping we shall be able to get some State contributions, but that is something you cannot predict in the State legislature at this time.

The CHAIRMAN. Have efforts been made to get the State to contribute?

Mr. LEHMAN. At one time, several years ago, the State did make a rather small contribution of 1 cent a plate. That was 2 years ago, but that is no longer in existence.

Mrs. BECKHAM. The next time they met, they did away with it.

The CHAIRMAN. Are there any other counties in the State in which the State contributes any funds?

Mr. LEHMAN. No, I do not think so.

The CHAIRMAN. In other words, the State of Florida contributes no funds for the operation of the school lunch program?

Mr. LEHMAN. Just the administration of the Federal contribution.

The CHAIRMAN. To administer the Federal funds?

Mrs. BECKHAM. That is right, and they give the supervision.

The CHAIRMAN. That is all.

Mr. LEHMAN. Could I make one other mention, while we are here, on this breakfast program which we are using now? We are using actually title I funds for breakfast programs on an experimental basis in, I think, about eight to 10 schools now. We are finding out in our experience that this has made a great contribution toward the ability

of the kids to show up in school and toward their ability to learn in the morning.

While this is not pertinent to the Talmadge bill, I would like for this committee to do whatever it can to fund that program to where we could feed these kids in the morning and to where they have not the protein deficiency which I think affects their learning ability.

The CHAIRMAN. You want the Federal Government to do that?

Mr. LEHMAN. Where else right at this minute? We could do it in Miami, but we have a State law which says we have a 10-mill cap on all funds. We are at the ceiling now. We have no place to go. We could take it out of the educational program, but that is the only place we can get it.

The CHAIRMAN. Have you any figures indicating the cost of the entire program in Florida?

Mr. LEHMAN. In the State?

The CHAIRMAN. Yes.

Mr. LEHMAN. No, but we will send it out.

The CHAIRMAN. I would be curious to find out for the State of Florida the cost of the entire program.

Mrs. BECKHAM. We shall be glad to send it.

The CHAIRMAN. And how those costs are allocated.

Mr. LEHMAN. Shall do.

(The information is as follows:)

TALLAHASSEE, FLA., October 10, 1969.

Mr. COTYS MOUSER,

*Chief Clerk, Senate Committee on Agriculture and Forestry,
U.S. Senate, Washington, D.C.*

DEAR MR. MOUSER: It is late Friday, and the enclosed report is what we believe you had in mind. Our statistics show the amount of funding that would be necessary from sources other than paying children to meet the total cost of free and reduced lunches served to Florida school children last year. All of the costs shown here include only expendable items. That is, costs of equipment, utilities, etc., which in some states are included and paid for by children's payments, are *not* here in Florida.

We have not shown the total cost of all school lunches served in Florida, as it is our current and most urgent goal that we receive funding that will cover the costs of free and reduced price lunches.

It is our thought that you and your committee would be most interested in the fact that if the paying children no longer have to pay for the non-paying children, the price charged to the paying children can be reduced on the average 6.2¢ per lunch here in Florida.

If there is any other information that we can provide to you, please call on Tuesday; or if you should need other information as early as Monday, call Mr. Miller here in our office.

Sincerely,

GEORGE HOCKENBERY,
*Acting Administrator, School Food Service,
Florida Department of Education.*

Report on Florida School Lunches

Number lunches served free and reduced, 1968-69-----	27, 866, 009
Food cost of free and reduced lunches served (30 cents)-----	\$8, 359, 802. 70
Labor cost of free and reduced lunches served (22 cents)-----	6, 130, 521. 98
Other cost of free and reduced lunches served (4.1 cents) ¹ -----	1, 170, 372. 28
Total cost of free and reduced lunches served (56.1 cents) --	15, 660, 697. 06

¹ Paper goods, supplies, detergents, pest control, etc.

Report on Florida School Lunches—Continued

Less commodities utilized (8 cents) -----	\$2,229, 280. 22
Subtotal -----	13, 431, 416. 34
Less Federal Reimbursement (15 cents) -----	4, 366, 287. 57
Total cost of free and reduced lunches to be met by paying children, 1968-69 (33 cents) -----	9, 065, 128. 77

NOTE.—The ratio of paid to free and reduced lunches served in Florida 1968-69 was 5.3 to 1. Therefore, if paying children did not have to support the nonpaying children, the sale price could be lowered 6.2 cents on the average.

Senator HOLLAND. I have some questions to ask.

In the first place, Mrs. Beckham and Mr. Lehman, you are members of the county school board, all members of which are elected county-wide in each county; is that not so?

Mrs. BECKHAM. Yes.

Senator HOLLAND. Mr. Hurst is the assistant superintendent in the county. Does he have charge of this school program, the school lunch program?

Mrs. BECKHAM. Yes, he does.

Senator HOLLAND. And also the school breakfast program?

Mr. LEHMAN. Right.

Senator HOLLAND. My understanding is that you do have a sizable number of your students who are getting the school lunches. They are either getting them free or getting them at reduced rates. Apparently, in those notes which you filed with your statement, there were in 1968-69 some 22,000 who were getting free or reduced lunches; is that correct?

Mr. LEHMAN. Yes, sir; 21,263 is one of the computations I have here.

Senator HOLLAND. And you hope to have and plan to have for the 1969-70 years quite an increase to some 31,200?

Mr. LEHMAN. That is right, projected.

Senator HOLLAND. What is the cost of your reduced price lunch, in the Dade County schools?

Mr. LEHMAN. We have a schedule. They run from 5 to 20 cents.

Senator HOLLAND. Depending on the degree of poverty in the home from which the student comes?

Mr. LEHMAN. The number of children and the income in the family. If the income is \$3,000 and it is one child, maybe it is a 5-cent lunch. If it is \$4,000 and five children, maybe it is different. But it depends on the number of children in relation to the family income.

Senator HOLLAND. But the reduced rate places go from 5 to 20 cents?

Mr. LEHMAN. Right.

Senator HOLLAND. Then how many do you serve free lunches to in the Dade County schools?

Mr. LEHMAN. The reduced price lunch plays a very small part of the total poverty lunch program. The reduced price runs less than 5 percent of the total problem—is that right, Mr. Hurst?

Mr. HURST. That is correct, less than 1 percent.

Mr. LEHMAN. So it seems that to all intents and purposes, it is either free or paid for in full.

Senator HOLLAND. And the 21,262 received free and reduced price lunches last year; of that number, much more than 20,000 were served free lunches, and the small balance got reduced price lunches?

Mr. LEHMAN. Right.

Senator HOLLAND. All the way from 5 cents to 20 cents?

Mr. LEHMAN. Yes. Of course, many people think it is not even worth the bookkeeping on the reduced price lunches, because the cost of handling these 5-, 10-, and 15-cent free lunches takes—does not take in more than that. But many people feel if they pay a small amount, it gives more dignity to their contribution.

Senator HOLLAND. I note in your statement here, the number who are served free or reduced price lunches is about 22 percent of the total number who are served school lunches? Do you have the total number, Mr. Hurst? The total number served lunches under the Dade County school system last year?

Mr. HURST. It runs right at 140,000 per day. I will get you that figure.

Senator HOLLAND. And you are stepping up that number sizably this year, I judge, from the fact that you are stepping up the ones who receive free and reduced price lunches from right at 21,000 or 22,000 to 31,000.

Mr. LEHMAN. I do not think so, Senator. I think our number of lunches is leveling off, just about. The increase is very small.

Senator HOLLAND. The total increase would be around 140,000?

Mr. LEHMAN. It is just the proportion of free lunches is eating into the total each year. When I first came on the board in 1966, it was 9,000 free lunches, the following year 12,000. Then it jumped to 21,000 and now, as we say, we expect 31,000.

Senator HOLLAND. I agree with you that there are many good features in the bill introduced by Senator Talmadge. You have mentioned some of those very fine features. I am not in accord with the provision of the bill which says that the proportion of the payments shall be so changed that instead of now requiring 3 cents out of every 4 to come from the State or local governments or from your children, only 1 cent out of every 2 will come, because that would mean a very great expansion of the Federal appropriation to cover the present number of children, without any increase in the number.

I believe that you all saw that, I judged, from the statement.

Mr. LEHMAN. Yes.

Senator HOLLAND. Now, with that exception, do I understand that you are supporting the Talmadge bill substantially as written?

Mr. LEHMAN. I would not argue with you on that 3 to 1. I think it would only mean that in that case, we would reduce the price of all lunches to maybe 20 or 25 cents. That would only benefit those that could afford to buy lunches, because on a 1-to-1 basis, the more affluent would not have to contribute that much to meet the 1-to-1 ratio.

Senator HOLLAND. Well, of course, what you are talking about is a substantial reduction of the quality of the lunch, and that is not what any of us are trying to get at, I am sure.

But excepting that one feature of the bill, do I understand that you are in support of the other features?

Mrs. BECKHAM. My answer would be "Yes."

Mr. LEHMAN. I would prefer to leave it at 3-to-1 in order to get the other features.

Senator HOLLAND. I think the record should show at this time that Senator Ellender was not only one of the founders of the school lunch

program, but he is the founder of the school breakfast program. So you are talking to at least one member of the committee here who is entitled to a large part of the credit for setting up both programs.

Mr. LEHMAN. I think the potential for the school breakfast is as great as anything we can do with the lunch program. In fact, I think it probably should have an equal posture with the school lunch program.

The CHAIRMAN. If anything, I think it is more important.

Mr. LEHMAN. I do, too, because after breakfast is when they are going to learn.

Senator HOLLAND. That, unfortunately, is not part of the issue before us at this time.

Mr. LEHMAN. Right.

Senator HOLLAND. May I get the consent of the two witnesses to file as part of the record the notes attached to your statement?

Mr. LEHMAN. Certainly.

Senator HOLLAND. I think they go into some of the features more fully than what you have testified.

Mrs. BECKHAM. Yes, sir.

Senator HOLLAND. Mr. Chairman, I ask that all three pages of these notes, the middle page of which is a copy of a resolution filed by the, adopted by the Board. But the first and third pages are a resumé of the case and also a compilation of the figures. I ask that they be included in the record.

The CHAIRMAN. Without objection, that will be done.

(The document is as follows:)

SUMMARY STATEMENT RELATIVE TO PROVIDING FREE AND REDUCED PRICE LUNCHES TO ECONOMICALLY NEEDY PUPILS IN THE DADE COUNTY SCHOOLS

1. The Dade County Public School System is the seventh largest in the United States, having an enrollment of 236,024. It also has the highest rate of school lunch participation of the seven largest school systems.

2. Dade County is similar to other large urban areas in that it attracts economically needy families who cannot provide their children with nutritionally adequate lunches.

3. In Dade County it is estimated that approximately 31,200 free and reduced price lunches will be served to needy children each day this school year. These lunches represent over 22% of the total lunches served.

4. A uniform menu is served throughout the 228 schools and uniformly administered policies are used in determining the eligibility of pupils for free and reduced price lunches.

5. In the school year 1968-69 an average of 21,262 free and reduced price lunches were served each day. The school year cost of serving these lunches was \$764,583.00 in excess of Federal aid and support from local tax funds, as shown on the attached computation. In essence, the pupil paying for his lunch supported the non-paying pupil. This burden placed upon the paying pupil has resulted in sale price increases. Each time prices are increased, many pupils can no longer afford to participate in the program, some of whom become eligible for a reduced price lunch or bring an inadequate lunch from home, thus reducing school food service revenue. Cash reimbursement is needed to cover up to 80% of the meal cost of providing lunches to the economically needy pupil.

6. Pending legislation should make it mandatory and convenient for special assistance funds to follow the needy child. The current goals of education tend to disperse needy children rather than hold or group them in particular schools. The designation of "special assistance school" is unnecessarily degrading and unfortunately provides financial benefit to pupils from more affluent families as well as to the needy.

7. Food service is necessary to the present educational program of the Dade County schools but if the present trend continues, it will deteriorate to an in-

adequately financed food service program patronized only by free lunch recipients.

8. It is urged that consideration be given to the attached Resolution by the Dade County Board of Public Instruction and that Senate Bill 2548 be accorded a favorable report by this committee.

RESOLUTION RECOMMENDING TO THE CONGRESS OF THE UNITED STATES AND OTHER INTERESTED AGENCIES ACTION TO ASSURE SCHOOL LUNCHES TO NEEDY CHILDREN

Our society is affluent but malnutrition and hunger are found among the school children of the United States. It is generally accepted that hungry children do not learn and malnutrition and undernourishment do affect intellectual performance.

Increased emphasis has been given to identifying the malnourished, the hungry and economically needy pupil. There is, properly, a great concern for these children and the big challenge is how to meet their educational and nutritional needs. Poverty, concentrated in rural and urban areas, is such that many school districts do not have the financial resources to alleviate hunger.

Whereas, appreciation is expressed to the Congress of the United States and the United States Department of Agriculture for their past efforts on behalf of all children by pointing out their nutritional needs and initiating child feeding programs; and

Whereas, The Congress of the United States has recognized its responsibilities in meeting the nutritional needs of all children through such enabling legislation as The National School Lunch Act of 1946, The Child Nutrition Act of 1966, and other like legislation; and

Whereas, Federal regulations released in 1969 require school districts to develop written policies stating criteria to be used uniformly in the district to determine the eligibility of children for free and reduced price meals; and

Whereas, such uniformly administered policies have resulted in a substantial increase in the number of pupils identified as needing a lunch at school; *Now, Therefore,*

Be it resolved: That The National School Lunch Act and The Child Nutrition Act be adequately funded and regulations relating thereto be amended to make it possible for school districts to meet the nutritional needs of economically needy, undernourished and malnourished children. To achieve this goal, it is respectfully recommend to members of the Congress of the United States that they enact legislation to

1. Appropriate adequate funds and permit cash assistance to be paid for lunches *served free* to economically needy children of up to 80% of the meal cost and require states to reimburse for these lunches at a variable rate based on the percentage of such lunches *served* in a school or school district.

2. Permit funds allocated under Section XI, PL 79-396, to be used to reimburse up to 80% of the meal cost of lunches served to economically needy pupils in regular schools as identified in Section IV, PL 79-396.

3. Authorize appropriations for any fiscal year to be made one year in advance and publicize such information so that states and school districts can plan in advance and operate school food service programs in a more efficient and business-like manner.

4. Provide under Section IV, PL 79-396, cash assistance of not less than one-third of the national average cost of locally purchased food per lunch served.

Passed and adopted at *Miami, Fla.*, this *9th* day of *July*, A.D. 1969.

DADE COUNTY BOARD OF PUBLIC INSTRUCTION—COMPARISON OF SALES PRICE AND COST FIGURES FOR THE
SCHOOL YEAR, 1968-69

Type of program	Elementary	Junior/ senior	Combination schools (elementary/ junior)	Total, all schools
Sales prices (1968-69 school year).....	\$0.35	\$0.45	\$0.35, \$0.45	-----
Total cost per lunch (1968-69 school year).....	.4621	.5499	.4809	\$0.4873
Less Federal aid (includes Federal commodities used and cash received for type A lunches).....	.1058	.1089	.1039	.1061
Cost per lunch (before needy supplement).....	.3563	.4410	.3770	.3812
Less cash needy supplement:				
Based on number of free and reduced price lunches served.....	.1638	.1638	.1638	.1638
Money collected from pupils for reduced price lunches.....	.0097	.0097	.0097	.0097
Net cost of free and reduced price lunches (1968-69 school year).....	.1828	.2675	.2035	.2077

VALUE OF FREE AND REDUCED LUNCHES ABSORBED BY SCHOOL FOOD SERVICE PROGRAM

[Listed below is the value of free and reduced lunches served that was absorbed by the school food service program for
year ending June 30, 1969. This amount¹ was computed using the net cost figures as per the schedule above]

Types of schools.....	Number served	Daily average	Net cost (per lunch)	Value
Elementary.....	2, 229, 738	12, 387	\$0.1828	\$407, 596. 10
Junior-senior.....	498, 091	2, 767	.2675	133, 239. 40
Combination schools.....	1, 099, 501	6, 109	.2035	223, 748. 44
Total value of free and reduced price lunches.....	3, 827, 330	21, 263	-----	764, 583. 94

¹ The amount absorbed by paying students for free and reduced price lunches is approximately \$0.0395 per paid plate
lunch served. In 1969-70, the amount to be absorbed by paying students is estimated to be approximately \$0.05 per paid
plate lunch served.

Year	Average paid and reduced price lunches	Percent of increase	Percent of total lunches
1966-67.....	9, 288	3. 82	7. 42
1967-68.....	12, 792	36. 7	10. 72
1968-69.....	21, 262	67. 24	16. 51
1969-70.....	31, 268	47. 0	22. 72

Senator HOLLAND. We are glad to have you, and let Dade County
continue to do its good work.

May I ask one question only?

I understand there are over 30,000 Cuban refugee children in your
schools. Is that correct?

Mrs. BECKHAM. Yes, about 28,000.

Senator HOLLAND. The Federal Government contribution for those,
as I understand it, is something like 60 cents, 60 percent of the cost.
Is that correct?

Mr. HURST. That is the exact amount.

Senator HOLLAND. I know you have accepted that formula. My ques-
tion is, is this working out well, considering the fact that the State
pays on the school attendance, regardless of whether it is your local
children or refugee? It is working out all right?

Mr. HURST. If there is any place this agreement may fall down,
it will be in the area of construction costs because our construction

costs have gone up considerably this year and it will be necessary for us to come in and ask for an increase in the cost of providing the facilities for the increasing number of pupils.

Senator HOLLAND. Insofar as school lunch and school breakfast are concerned, the Cuban refugee children are treated just exactly as if they came out from American homes, are they?

Mr. LEHMAN. No difference.

Mr. HURST. We have very few participating in this program.

Senator HOLLAND. Most of them do not require this school lunch, is that it?

Mr. HURST. That is right.

Senator HOLLAND. They are taking good care of their own?

Mr. HURST. I assume so, because in those schools that are predominantly Cuban, there are very, very few requests for the school lunch. I do not know the reasons; I can just give you the facts and figures.

Senator HOLLAND. Well, maybe they eat a little different food than we do?

Mr. HURST. No, sir, I do not think so.

Senator HOLLAND. I want the record to show that these Cuban refugee children, 28,000 of them, are being treated no differently. This district which comprises Dade County has really, I think, done a fine job because all it has asked for from the Federal Government is about 60 percent of the actual cost of the operation, without including the costs Mr. Lehman has mentioned.

They have had to build new schools.

The CHAIRMAN. Well, the State bears the 40 percent, you said, of the cost of the schools?

Senator HOLLAND. And operation, but not capital costs.

Is that right?

Mr. HURST. Operations.

Senator HOLLAND. But not capital costs or maintenance?

The CHAIRMAN. I was under the impression that the amount furnished by the Federal Government at least paid the administration.

Senator HOLLAND. The amount paid by the Federal Government, as I understand, pays the local part of the operating costs of the schools, but not the capital costs and not the maintenance.

Mr. HURST. Right.

The CHAIRMAN. You mentioned a while ago that much of the funds collected locally are contributed from profits made on those who are able to pay. What does that amount to, do you know?

Senator HOLLAND. It is shown in this copy.

The CHAIRMAN. I was looking for it. I do not see it. You have your total value free and reduced lunches, reduced price lunches, as \$764,-583.94. Where does that come from?

Mr. LEHMAN. We have \$8.5 million from the pupils in the schools that are paying for it and \$666,000 from the adults in the schools.

The CHAIRMAN. This three-quarters of a million dollars, or a little over, does it come from those able to pay?

Mr. LEHMAN. Right.

Senator HOLLAND. That \$764,000 is the cost of the free and reduced price lunches alone which are paid for by those who are able to pay for it

The CHAIRMAN. And I wanted to get that clear in the record.

Mr. LEHMAN. If the child is paying 50 cents or 40 cents for a lunch he is really paying 45 cents for his lunch and 5 cents for some poor kid's lunch.

The CHAIRMAN. Right, and this amount is applicable to Dade County only?

Mr. LEHMAN. As far as I know.

Senator HOLLAND. Certainly, the refugee children, that is largely applicable to Dade County. I know of no other such arrangement worked out with the other Florida counties by the Federal Government.

The CHAIRMAN. Since you are for the Talmadge bill, you have not figured how much you expect to obtain from the Federal Government if that bill is enacted?

Mr. LEHMAN. We shall get about 18 cents per child. We have about 30,000 children. It will be the same as the three-quarters of a million—we need that three-quarters of a million dollars that the children are contributing now from Federal sources.

The CHAIRMAN. That is the number of children you now have, but suppose it increases.

Mr. LEHMAN. I guess we will adjust it in proportion. We need the difference between what is made up out of local funds, which runs around 18 cents a child, whatever the amount or number of children is.

The CHAIRMAN. Have you figured out what the cost to the State will be under the Talmadge bill?

Mr. HURST. No, sir.

The CHAIRMAN. And you expect to get that as time goes on?

Mr. LEHMAN. Right.

Senator HOLLAND (presiding). Thank you very much, gentlemen and Mrs. Beckham.

Mr. LEHMAN. Thank you.

Mrs. BECKHAM. Thank you.

Senator HOLLAND. The next witness listed on the chairman's list is Adm. Ira H. Nunn, who is Washington counsel of the National Restaurant Association.

STATEMENT OF REAR ADM. IRA H. NUNN, U.S. NAVY (RETIRED), WASHINGTON COUNSEL, NATIONAL RESTAURANT ASSOCIATION

Mr. NUNN. Mr. Chairman, Senator Talmadge, my name is Ira H. Nunn. I am the Washington counsel for the National Restaurant Association. Our association represents the food service industry nationwide. It represents all types of restaurants and all facets of the industry. We have about 14,000 members of our own; and through our affiliation with State and local restaurant associations, we represent approximately 110,000 food service establishments of all kinds.

I am accompanied here today by Mr. Leo J. Coughlin, the vice president for institutional feeding of the Canteen Corporation.

It is a pleasure to appear before you representing the National Restaurant Association. We appreciate the opportunity to speak for the food service industry on the school lunch program. We firmly believe that the industry can contribute the experience, skills, and techniques needed to make this program a reality for a much higher proportion of the schoolchildren than the one-third that now enjoy its benefits.

We favor the school lunch program, and we favor increased appropriations to make that program possible.

This is the essence of the problem. Over 51 million schoolchildren are eligible to receive a midday meal under the school lunch program, but only about 18 million get that daily meal. Unfortunately, those children who are most in need of the food represent a large proportion of those to whom the benefits of the program are not made available.

We have no pat answers for all the problems that combine to deny the school lunch to two-thirds of the children Congress seeks to feed. However, we do know that the food service industry, together with the expertise, techniques, and experience that have made it the Nation's fourth largest industry, has been effectively precluded from participation in the school lunch program.

This rejection of the industry's skills and experience in seeking solutions to what are plainly food service management problems is difficult to understand. I assure you it is not the work of Congress. No provision of law precludes the employment of a food service management firm by any school.

However, the Department of Agriculture has very effectively precluded the use of such firms by a regulation that has been in effect for many years. In substance, this regulation denies the Federal subsidies provided under the National School Lunch Act to any public school which employs a food service management firm to run its school lunch program.

Most school administrators feel that they cannot operate without these Federal subsidies, although a few schools have decided the loss of subsidies is outweighed by the services that a food service management concern can provide, and these few schools employ food service management firms in their lunch programs.

The end result of this departmental regulation has been to preclude the employment of the food service industry in the school lunch program, even though the skills available in the industry may be desired by a particular school and even though, in some areas, the industry may offer the only feasible means to feed the children.

We have tried, without success, over the course of several years, to persuade the Department of Agriculture to rescind this regulation. We are here today to ask Congress to revoke it by statute.

Let us be perfectly clear on the issue here. We have an arbitrary administrative regulation, not required by law, that penalizes any public school for employing a food service management company in serving its students. Revocation of this regulation will do no more than allow us to participate in the program if a particular school or school system believes we can do so effectively, economically, and within its means.

Revocation will not require any school to employ a food service management firm, nor will it reward any school that elects to employ such a firm. It will only ensure that schools may employ us if they wish without incurring penalties that are entirely unrelated to the goals of the school lunch program.

Needless to say, the Department of Agriculture would probably not agree with this assessment of their regulation and its effect. If you were to inquire, the Department would tell you that their regulation does not penalize a school for entering into a contract with a food

service company to buy prepared meals. The Department contends that any school may do this, without loss of subsidies, so long as the food service concern does not serve the food at the schools. The Department will also point out that it has relaxed its regulation in the past year to permit the employment of food service management firms in certain areas, without penalty to the schools.

The difficulty with the Department's approach is that it does not confront the real problems. The thing school officials want from us, if they want anything, is the expertise, experience, and equipment of food service management firms to administer their entire program, not simply the preparation of the food and the delivery of it to the school door. They want management from us, not the mere purchase of groceries.

Many school officials feel if they must solve the problems of heating and serving the food and then disposal of waste, they may as well retain the whole problem.

The availability of the Agriculture Department's prototype contracts in certain designated areas likewise has not met with acceptance by school officials, because it is a limited test program available for all practical purposes only for 1 year. School officials saw no advantage to a program that could promise service for only 1 school year.

Senator HOLLAND. Would you yield there, sir?

Mr. NUNN. Yes, sir.

Senator HOLLAND. Were there any of these programs as contemplated actually entered into?

Mr. NUNN. Not a one, to my knowledge, sir. I have inquired carefully and I know of none.

Senator HOLLAND. Let us inquire of the Department on those. Proceed.

(The Department advised that none had been entered into.)

Mr. NUNN. Again, let me emphasize that revocation of the present regulation will do no more than permit local school administrators to retain a food service management concern without penalty if they determine such action is in the best interests of the school. We allow such public school officials to make decisions affecting the quality of the education our children will receive.

We grant them control over millions of tax dollars. Is it not ridiculous to presume their incompetence in determining the best way to administer the school lunch program? Is it not a completely unwarranted and unnecessary interference by the Federal Government in what is essentially a purely local problem best left to the good judgment of the several States and local school authorities?

Those who oppose revocation of this regulation contend that the nutrition aspects of the program will be ignored. We need only observe that the quality, quantity, and type of food to be served would still be in the hands of the school authorities. The school would retain complete control. Businessmen these days deliver what they contract to deliver or they don't stay in business; and businessmen have been doing this for some time. They do it very well. An example with which you are all familiar is the airline feeding operation. The food service firm delivers exactly what the airline specifies.

Let me remark parenthetically at this point that there is a real need for food service management in the schools—a need which the schools themselves recognize and seek out for themselves. Thus, more than 50 percent of the schools which have no Federal subsidies available to them employ professional food service management. These are the schools, bear in mind, which have a free untrammelled choice in the matter.

More and more they shift to contractual feeding. In 1968, colleges and universities—and I am not speaking of schools, but the higher education colleges and universities. In 1968, colleges and universities operated their own food service programs on 50.6 percent of the campuses. Forty-five percent had food service programs operated by private contractors, and an additional 16 percent reported that they planned to switch to privately contracted food service in the near future.

Fear has been expressed that the community project atmosphere provided by volunteer and dedicated employees of long service in the program would be lost. Food service management concerns would welcome all the volunteer help they can get, and in our present situation, any competent worker desiring employment is welcome and can get a job.

All we ask is the chance to make our industry's know-how and experience available to the schools without penalty. We are confident that many of our member firms can bring skills and techniques to the problem that will permit feeding great numbers of children who are not now being fed. We are confident that this can be done at a cost fully comparable to that of any other method. If we cannot supply the service at competitive prices, we simply will not get the job.

To give our industry a chance to contribute on a fair and equitable basis without penalty to the schools who employ us, the Department of Agriculture regulations must be changed. We ask you to compel this change by brief amendments to the National School Lunch Act and the Child Nutrition Act which we respectfully submit for your consideration. These simple amendments can be inserted into any of the bills you now have under consideration. They are attached to the copies of my statement which you have.

To bring you the views of one of our largest and most knowledgeable firms in the field of planning for and feeding large numbers of people under varying conditions, I have with me Mr. Leo J. Coughlin of the Canteen Corp. Mr. Coughlin is the vice president in charge of his firm's department of institutional feeding. That means feeding in schools and hospitals.

He will present more views of the industry on this matter and is prepared to answer any questions you may have on the techniques and procedures involved.

Thank you.

Mr. Coughlin.

The CHAIRMAN (presiding). The proposed amendments that you mention will be printed in the record at this point in connection with your remarks.

Mr. NUNN. Thank you, sir.

(The amendments above-referred to, follow :)

In order to remove restrictions on participation in the School Lunch Program by food service companies, we suggest that :

Section 2 of the National School Lunch Act (42 U.S.C. 1751) be amended by adding at the end thereof, the following new sentence :

"A school shall not be excluded from the benefits under this chapter merely because it engages the services of a food service company on a fee-for-service basis provided the school lunch program would otherwise qualify for benefits under this chapter, and provided further that the school retains the right to control the quality, and extent of the general nature of the food service and the prices of food to be charged to the children."

Section 12, Paragraph (c) of the National School Lunch Act (42 U.S.C. 1760), be amended by eliminating the period at the end thereof, and adding the following language: ", nor shall the Secretary or the State impose any requirement inconsistent with the Congressional declaration of policy as stated in section 2 of this Act."

Section 9 of the Child Nutrition Act (42 U.S.C. 1778) be amended by adding the following sentence at the end thereof :

"A school shall not be excluded from the benefits under this chapter merely because it engages the services of a food service company on a fee-for-service basis provided the school lunch program would otherwise qualify for benefits under this chapter, and provided further, that the school retains the right to control the quality and extent of the general nature of the food service and the prices of food to be charged to the children."

Section 10 of the Child Nutrition Act (42 U.S.C. 1778) be amended by eliminating the period at the end thereof and adding the following language: "*Provided, however,* That such regulations shall be consistent with the Congressional policy as expressed in Section 9 of this Act."

STATEMENT OF LEO J. COUGHLIN, VICE PRESIDENT OF INSTITUTIONAL FEEDING, CANTEEN CORP., CHICAGO, ILL.

Mr. COUGHLIN. I am Leo Coughlin and I am delighted to have this opportunity to speak with you gentlemen because our industry is very concerned.

Two and a half years ago, in the spring of 1967, members of a Senate subcommittee traveled to the South in the course of an examination of the war on poverty. They returned to Washington shocked and dismayed, not only at the poverty they had seen, but at the fact that hunger and malnutrition seems to exist in alarming proportions among the poor of America.

Thus in 1967 hunger and malnutrition were rediscovered in the richest and most productive Nation in the world. And by 1968 new facts about the situation were being uncovered by teams of doctors, newspaper and television reporters, and many groups of concerned citizens.

Not only the South, but other parts of the United States as well were found to number the hungry and malnourished among their populations. Not only local officials but Federal administrators, too, were determined to have failed in their attempts to feed the hungry through the various Government food programs. By now, 1969, the Nation as a whole and the members of Congress have realized how far Federal food programs have in fact failed.

We are currently engaged in an urgent thorough investigation of how this state of affairs can be remedied, thus the food stamp program, commodity distribution program, special milk program, and welfare reform programs have all been discussed in great detail. Their flaws have been pointed out and numerous suggestions have been made for their reform.

The time has now come to subject the national school lunch program, hitherto the most popular and least criticized of the Federal efforts, to the same kind of scrutiny.

The price of an average school lunch is 47 cents, of which the Federal contribution in cash and commodities is only 11 cents. Each State must match the Federal cash reimbursement on a 3-for-1 basis. The State's share may be made up from the children's payments for their lunches, State or local tax revenues, or donated services. These in broad outline are the basic facts about the national school lunch program.

Some of the myths that surround this program are as follows:

A year or so ago, a very fine study of the school lunch program, "Their Daily Bread," was issued by a committee on the school lunch program which was made up of members of five women's civic organizations. This study made reference to four myths long associated with the school lunch program; the first myth, believed by many for a number of years is that "no child who is hungry goes without lunch." The sad fact contradicting that myth is that at present funding levels there are still 2.5 million schoolchildren who should be receiving free or reduced priced lunches, but are not.

The second myth, "Teenage eating habits count in a large part for a low participation the school lunch program." This was found by the committee to be untrue. It discovered that teenage eating habits are a small part of the problem.

Another myth is that "it is better for young children to eat lunch at home." As the committee points out, this is only true when the child who goes home gets a lunch to eat.

Finally, many have thought for a long time that children who are getting a free or reduced price lunch cannot be identified by the other children. On the contrary, it was found that a majority of these children are obliged to use special tickets or tokens which have the effect of proclaiming their poverty to their classmates.

While it is true that the Congress is aware of the problems connected with the school lunch program in particular, and child nutrition generally, it is also true that none of proposals thus far have gone far enough. A number of bills dealing with these problems have been introduced and acted on in the House of Representatives; one of these, H.R. 515, was passed by the House on March 20. This bill would amend the School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced price meals to prevent discrimination against children who receive them, to revise the program matching requirements and otherwise to strengthen the food service program for children in school and service institutions.

While there are many features of the Senate bill S. 2548 which are encouraging and pleasing, by the same token, it is a fact that there is no law that prevents private industry from assisting the National Government in trying to reach its objectives in proper nutrition for all schoolchildren in this country through the National School Lunch Act and the Child Nutrition Act. There is no law that prevents us.

It is a fact that it is a regulation of the Department of Agriculture that it is the discretionary judgment of the Secretary that denies the schools employing private industry the benefit of Government subsidies under the national school lunch program.

Specifically, this means that any school district which has assumed the same obligation toward its students to provide proper nutrition, as it has assumed to provide them with proper text books and equipment, is denied assistance simply because they have the initiative, the courage, and the willingness to look into the real needs of their students.

It is further a fact that in specific instances a national food service company when employed by a board of public instruction was able through direction and guidance to assist the school board in saving \$65,000 in its purchasing of food alone during the year of 1968-69. And this is a matter of record, gentlemen.

It is a fact that a national food service management company while talking to an independent school district which for the first time was participating in the National School Lunch Act and the Child Nutrition Act, under survey, made the claim that they could save the school district \$400,000 in the succeeding school year if employed only as a consultant for the purposes of direction and guidance of the operations of the school lunch program in the district.

It is also a fact that when a national food service company was in conference with the design architect of a major city it was brought to light that neither the educators, the architects nor the builders had coordinated in any manner to effect a system whereby schoolchildren could be fed under the most efficient conditions incorporating space and equipment. Specifically, the question was, "should a lunchroom for 600 schoolchildren be provided in a separate building or should three separate lunchrooms for 200 children apiece be supplied and on separate floors of the school building?"

When it was posed as to what the curriculum was and whether it permitted children to eat in successive periods rather than all at one time, the answer was that the architect and the planners did not know, that they had not been in touch with the educators. When it was asked what the length of the lunch period for the schoolchildren was, it was stated they did not know as the educators had not informed them. When it was asked where do these children go if they do not eat lunch or participate in a lunch program, the answer was they didn't know because no one had thought to ask the question.

All of these specific instances, and believe me, gentlemen, we could go on for the remainder of 2 days talking about specific instances—point to the fact that many men, while they may excel in their own field, necessarily do not have the skills necessary to help solve the problems of the day-to-day mechanics of providing a food service for schoolchildren.

Now that advances have been made within this past year to relieve some of the rigidity of the Department of Agriculture's rulings, whereby some few ways have been provided for independent enterprises to participate in the national school lunch program; a small light at the end of the tunnel appears, and centered in that light is one of the 2.5 million hungry little children we miss feeding every day.

In Senate bill S. 2548, on page 9 of line 23, in research and training the bill states the amendments provide for assisting State educational agencies in lengthening and strengthening the leadership resources of the State and local educational agencies to carry out more effectively the purposes of the act. The Secretary is authorized to make grants to

State educational agencies for research, surveys, and demonstration projects in the field of school food service. We most strongly urge that this particular section be expanded so that it would permit State educational agencies to employ private industry to design and formulate specific recommendations, particularly for equipment and facilities in those schools which do not have a facility to feed those students who most need it.

One line No. 8 of page 10, the funds are specified for establishing and maintaining research traineeships, planning and evaluation on a state-wide basis. Internships, personnel exchange programs and graduate fellowships, while we do not contest that all of these efforts would be very worthy ones, we do again encourage that they be extended so that capable people from private enterprise can be employed to provide the answers to the ever pressing questions of how we are going to do it.

On page 11, under the subhead of Nutrition specialist, the Secretary is also given authority to utilize funds to assist local districts. We again strongly and respectfully urge that this be expanded to include capable people from private industry.

It has been our experience that when any institution continues for a period in excess of 20 years (and the School Lunch Act at this point is some 23 years old), there is a grave danger that general administration, its regulation, and its principles will not change. We heartily encourage, therefore, a complete review of the fact that the principles and practices which have been employed for 20-odd years have just about expended themselves. The increase in the cost of food of 8.6 percent since 1961 is certainly more than enough reason to contemplate new and more innovative ways to expedite efficiency, not only in the existing program, but to design more efficiently for expansions of the present programs.

The Senate bill S. 2548 would reduce the present requirement that every \$1 Federal fund must be matched by \$3 of State fund and if it is pointed out since the State's matching funds include the money that the children themselves pay for their lunches—about two-thirds of the cash amount of the program—no State has ever had any difficulty meeting this requirement.

While it is worthy that the obligation of the State should be reduced to \$1 rather than a \$3 maximum ratio, it is questionable as to what then would happen in providing that \$1 of State funds. Would it continue—and that is a big question mark—to come from the money the children themselves pay for their lunches?

In the same section-by-section analysis of S. 2548, page 8, section 8, regulations and special development projects, there is a reference to the limitation which might restrict the selling of candy, pop and other food or beverage items which compete for the child's appetite and the available lunch money during the lunch and breakfast period. We heartily encourage any limitations or restrictions which would demand that all food sold on a school campus, a school property or within a school lunchroom or any part of the premises be handled through the school lunch program and not be an independent concession or privilege which extracts more than its share of the money from the schoolchildren because of the nature of the product sold.

There have been many, many disparaging comments made about providing candy and soft drinks in vending machines in high schools

and other locations. However, it is a common thing where candy stands and hot dog stands are operated on campuses of elementary and high schools selling nothing but candy, pop and other items of that nature under the direct guidance of the principal of the school. This can be demonstrated. It literally amounts to an accumulation of unappropriated funds.

Continuing the analysis on page 9 of the brief of the same section 8, there is a reference to special development projects. We would like to expand on this to encourage the Senate to invite private industry to set up and operate pilot programs for improving the methods and facilities for providing food service to children. One of the most practical ways to provide food service to needy children in schools where facilities are either nonexistent or at a minimum, is to provide them through what is commonly called the use of "convenience foods"—we say that "convenience foods" in sharp quotations, gentlemen—which are distributed from either a central commissary or from a large school whose kitchen acts as a commissary for a number of satellite schools.

Some of this work has been done very effectively in the New York City school system. As a matter of fact other school districts are now interested. However, in general few school districts have the skills and capabilities of establishing this kind of a program simply because they have not had the same exposure that is true in private industry.

On page 10 of the same brief, the suggestion that the Secretary make funds available for research, surveys, and demonstration projects in the fields of food service and for the dissemination of information obtained from these research groups is made. We suggest that this portion be expanded and conceived in a manner similar to the committees which were established to coordinate between industry and the military forces in World War II. Later when a similar committee was established to cooperate between private industry and the U.S. Navy for the development of equipment and good products for sailors at sea for a long period of time, its praises were sung far and wide.

The private sectors willingness and capability have hardly been tapped. In large measure the national school lunch program has had to operate without the advantages that would undoubtedly accrue from greater private sector involvement. Surely our representatives in Congress can begin to consider ways in which the private sector can participate more meaningfully in the national school lunch program.

At the present time the National Aeronautics and Space Administration has employed a vast section of private industry to provide food products and methods for service to the astronauts when they are in space or flight. Why not the same treatment for tomorrow's little astronauts? Today's children, who, too, are in flight from the horrors of hunger and malnutrition.

Gentlemen, let me introduce not a note of levity, but a note of very, very great concern. How many of us going back to our childhood can remember the children's nursery rhyme, "This Little Pig Went to Market."

Well, it is our confirmed opinion that unless steps are taken to enlist all the help that we can get, people may remember the national school lunch program as a fairy tale that goes as follows:

This hungry child went to school
 This hungry child stayed home
 This hungry child ate roast beef
 But this hungry child ate none
 While most hungry children went hungry
 all the day long.

Thank you.

The CHAIRMAN. Thank you.

Have you any figures to offer the committee as to the cost of the lunch if private enterprise were to undertake it?

Mr. COUGHLIN. It is our estimate, Senator, under a variety of conditions, that the cost of a school lunch today can be reduced in actual operation between 3 and 11 cents depending upon the nature and the character of the individual school district providing that lunch. Now, the condition varies from place to place. Where you have efficiency, where you have people who are vitally concerned and have limited themselves frugally to these things and who have adopted as many efficient things as they can get, the amount is low. It is 3 cents. But this is not true where they are uninformed.

Where a city or an independent school district has been under a pressure of explosive population growth, or where they have been uninformed in the techniques of operation and really only on inborn or their own experience, here the amount can be as much as 11 cents.

The CHAIRMAN. Well, that would mean that the restaurant or whatever facilities is engaged would deliver that lunch to the children in a particular area?

Mr. COUGHLIN. We would propose to operate the facility to obtain the product, to prepare it, serve it, and to clean the facility. This can be done, Senator, on a variety of contractual arrangements. But in all of them, I think the food service management companies throughout our industry would be willing to project and establish that their budget would be, what the savings would be, what the actual expenditures are anticipated as being for each area of expense connected with the preparation of the meal.

The CHAIRMAN. Would you envision a caterer to prepare the food in his own establishment and deliver it?

Mr. COUGHLIN. I can envision it, Senator, but I would recommend against it, because the facility and the need on location is slight, relatively speaking. To establish food services specifically facilities, and for instance, an urban school, is not a great investment. I mean a service counter properly heated that is mobile, a service counter properly refrigerated that is mobile—these things can be obtained relatively inexpensively. Good, disposable service ware can be used so that the establishment on location is not a big thing.

However, for a commercial company to establish preparation and transport facilities under all the public health law requirements, whatever, is a tremendous investment and no indication we have gotten so far from either Congress or the Department of Agriculture is that contracts will be longer than for 1 year.

Frankly, sir, this does not meet even the slightest similarity to what IRS will permit us to do in depreciating equipment. You cannot write it off in 1 year. You cannot earn enough from it. But we are not asking in H.R. 515 to make any kind of outrageous investment and have 1 year

to recover, or to go on faith that maybe we will have some kind of further program next year. This is why I think the admiral answered that to our knowledge, no company in the country has engaged in this experimental pilot program at this time. It is just a hazard.

The CHAIRMAN. Well, you know this program was originally conceived on a cooperative basis between the State and the Federal Government, particularly the local people. Many of them furnished food, some labor, and the Federal Government furnished surplus foods and also cash.

Now, under the program that we now have, the local people provide by way of food, labor, and so forth, about 74 percent of the cost of the program and the Federal Government the rest of it.

Now, if what you are proposing were adopted, do you not think that more money would have to be provided?

Mr. COUGHLIN. No, I do not, sir.

The CHAIRMAN. You do not?

Mr. COUGHLIN. No, I do not. In fact, I very strongly say I feel that way, for these reasons:

In our audit responsibility to any client, we must, in all of our contracts, generally, come up with an actual accounting statement at the end of an accounting period which establishes what money has been spent for what element of cost within that statement, whether it is for food or labor or for any other item of direct expense. Our experience is such, and I have had enough personal exposure to attest to this, that we can incorporate efficiencies and capabilities which say that not only would you not have to make a greater appropriation, but conceivably, you could maintain for the next few years some kind of an evenness and a balance in this program so that the increase in cost of food or the increase in cost of labor that was referred to this morning just might be balanced by those efficiencies and that you could literally look forward to a statement of saying, "We will not need more money."

And, incidentally, the food service management company could make its own rewards, or could gather its own rewards from that.

Incidentally, one of the other things which happens here, the amount of profits—and that is not a dirty word—that is a pretty good word among other things—is not something which is an undisclosed fact between a food service management company and its client. This word is talked about first and limited profits by contract are very, very common in our industry. The client knows the maximum limitation that we can make, either percentagewise or dollarwise. So what we propose to save and its distribution is readily discernible before a contract is ever, ever signed and agreed to, and control over nutrition, over portion size, over product quality—all of these things are within the control of the school.

We bring management methods, as the admiral pointed out. We are not grocery men, we are not selling products delivered at the back door to somebody else to prepare; we are management people. And we bring the techniques and the expertise and the knowledge that comes from providing these on a competitive basis for not only the industry but today's vast medical market, as well as the vast educational market. And we have the personal experience of serving a great many elementary and high schools of a private nature, and they find it much more profitable and more to their advantage to employ us.

The CHAIRMAN. It is conceivable, of course, that in large cities where you have a large attendance at one school, that may be a good way to proceed. But many of our thousands of schools are located out in the country, pretty far away from cities.

Mr. COUGHLIN. Senator, are you familiar in Minnesota?

The CHAIRMAN. Yes.

Mr. COUGHLIN. Would you believe Faribault, Faribault is 20 or 25 miles south of Minneapolis, total population 25,000 people. We do it there quite successfully.

The CHAIRMAN. Well, that is quite a city. There are some in my State, for instance, where you have probably 200 children coming from a neighborhood involving maybe 10 to 12 square miles. I am just wondering how that would work in small schools.

Mr. NUNN. There would be places of that kind where they just would not need us and would not employ us, Senator.

The CHAIRMAN. Because they could not pay for it.

Mr. NUNN. I doubt that, but it is not appropriate in all cases, of course. The point about it is that the school would not have us if they did not have a need satisfactory to themselves, whatever it is, for our use. We feel this is justified by the fact that more and more schools which are not entitled to the Federal subsidies and have no problem of that kind are more and more employing us. And there are big ones and little ones.

The CHAIRMAN. We had testimony here the last time, I think, that we had an amendment to this bill, providing for what you object to; that is, to deliver the food to the schools, cook it and prepare it and bring it to the schools.

Mr. NUNN. We can do that now.

The CHAIRMAN. You say that could not be done and you would not advise it?

Mr. COUGHLIN. Campbell's Soup Co., today provides a great part of the requirement of the New York City school system. The requirements for an economical manufacturing process of Campbell's Soup Co. are such that they cannot make products as specified by the New York City school system, which is one of the largest in the country. They do make adjustments in the manner in which they prepare their product to make it suitable for New York City. But a food service management company is essentially not in the business of manufacturing and delivering of food to a school, sir. This is not our business. It is impractical from an economic viewpoint, sir.

But if I may, there is something else in our industry. When the hearings were held on H.R. 515, our industry was represented by Mr. Harvey Stephens from a competitive company to our own, but a very progressive guy in our whole industry. He and I were originally associated for many years and we live with a simple principle. It is the principle of our present company today: If we cannot help a client and if he cannot afford our services, we have it as a responsibility to help him help himself. As you speak of the small school in the widely dispersed rural area or lightly populated area, one of the things we are saying in the expansion of the Senator's bill here, and we admire his effort so much, is to make it possible for a school district to employ without penalty the intelligence that will assist them to help themselves, to do it so they can be down in a training capacity on loca-

tion for that small school, for those women who will be there from the local area and the local neighborhood, who will exercise their capacities to arrange for deliveries and proper amounts of storage and things like that for those schools so that small school does not suffer by being the tail of the mammoth urban organization which has many, many other capabilities. If the school board has the right to do it, permit them to go in without penalty to help and not be confined by a regulation.

You see, we are not trying to dislocate nor destroy either the school lunch program or the people in it. There are very many worthy ones and I know a great many personally and work with them constantly. We have a demonstrated record of helping them.

The CHAIRMAN. Any questions, Senator Talmadge?

Senator TALMADGE. Mr. Coughlin, there are 14,000 schools not in the school lunch program. How many public schools not in the type A program are operated under contract with the food management company?

Mr. COUGHLIN. Quite a few, sir.

Senator TALMADGE. Twenty-five percent, 50, 75 percent?

Mr. COUGHLIN. No, a slight number, Senator, in terms of that.

Senator TALMADGE. A small percentage, in other words?

Mr. COUGHLIN. A very small percentage, but it has been going on since about 1951.

Senator TALMADGE. About what would the management cost be for a type A lunch prepared and served by a management company? The type A lunch, as you know, consists of milk, 2 ounces of meat, three-fourths of a cup of fruit, a vegetable, bread and butter. I am referring now to the management cost exclusively and not the total cost of the meal.

Mr. COUGHLIN. The management cost exclusively would not exceed 31½ cents, Senator. It may be less depending upon the total volume.

Senator TALMADGE. What would be the total cost per child per lunch?

Mr. COUGHLIN. The total cost per child for lunch?

Senator TALMADGE. Yes, for that type A lunch.

Mr. COUGHLIN. What that child spends for it? Realistically he is spending 35 cents in those areas where this type operation is going on today. It is competitive in the country with what the school district charges. We have to be.

Senator TALMADGE. Your estimate is 35 cents?

Mr. COUGHLIN. Yes.

Senator TALMADGE. I think you have answered my next question. Georgia's cost per lunch is 38 cents. This is the average cost, of course. I assume you figure you can do that cheaper, because you have testified to that. Is it 35 cents in your judgment?

Mr. COUGHLIN. Forgive me, I misunderstood you. You said what would the cost per child be? You in turn then told me that the cost in Georgia was 38 cents. Is that the cost to the child, Senator, or is that the cost to the State?

Senator TALMADGE. That is not the cost to the child. That is the cost to the school of providing the food and serving that particular type of

lunch, the average cost. It is 38 cents. Do you think your company or competitive company could do it that cheaply or cheaper?

Mr. COUGHLIN. Senator, I would be foolish to say yes or no to that without the opportunity to look at all the conditions which surround your service.

Senator TALMADGE. They vary from area to area.

Mr. COUGHLIN. I am familiar with the State of Georgia.

Senator TALMADGE. I know you have a very fine company and they operate in Atlanta and perhaps other areas of the State.

Mr. COUGHLIN. We just opened in Oglethorpe University down there in that State.

Senator TALMADGE. I made the commencement address there last June. They gave me an honorary degree.

Thank you, Admiral Nuim and Mr. Coughlin.

Mr. NUNN. Thank you, sir.

Senator TALMADGE (presiding). The next witness is Miss Frances E. Fischer, president, American Dietetic Association.

STATEMENT OF FRANCES E. FISCHER, PRESIDENT, AMERICAN DIETETIC ASSOCIATION, CHICAGO, ILL.

Miss FISCHER. Thank you, Mr. Chairman.

I am Frances Fischer, the president of the American Dietetic Association and assistant professor of nutrition of Case Western Reserve University. I am accompanied by Miss Josephine Martin, chief consultant of school food service of the Georgia Department of Education.

I, too, would like to call on the expertise of Miss Martin, who, in addition to her other qualifications is a member of our association to whom we look for advice and I may call on her again today.

Senator TALMADGE. She has testified twice already, once on cross examination and once on chief.

Miss FISCHER. We respect her expertise.

Senator TALMADGE. So do we.

Miss FISCHER. I am very grateful to the committee for this opportunity to present recommendations on behalf of the American Dietetic Association, the professional organization of more than 21,000 dietitians and nutritionists who are responsible for the application of the scientific principles of nutrition.

First of all, let me pay tribute to all those individuals and agencies who have worked to make the school lunch program a success:

To the first parents and teachers who realized the relationship of nourishment to the quality of school performance and who worked voluntarily to initiate some type of meal service in schools;

To school administrators and community leaders who became aware of the contribution that food service in schools could make to the well-being of children, and who worked to provide the funds to expand and develop more sophisticated lunch programs; and

To the Congress of the United States for the passage of the National School Lunch Act of 1946, and subsequent legislation in which they have recognized the value of in-school feeding as both a nutrition measure and as an effective way of educating schoolchildren in nutrition.

School lunch programs have certainly come a long way in the United States since 1853, when a school feeding operation was established by the Children's Aid Society of New York in a vocational school for the poor where meals were served to all who attended. Ten years ago a daily average of 11 million children were eating lunches in programs receiving Federal assistance. By 1968, the school lunch program was available to 19 million children.

Despite the progress that has been made, there is much more to be done. It is estimated that some 32 million children are enrolled in schools that do not participate in the school lunch program. First priority must be given to taking the necessary actions so that food service can be made available in all schools. Equally important is making financial assistance available to those children in need of free or reduced-price meals.

Both H.R. 515 and S. 2548 would contribute greatly to expanding and improving the school lunch program. The American Dietetic Association endorses both bills, but we believe that S. 2548, which has been introduced by Senator Talmadge, is more responsive to the existing problems that confront schools and prohibit them and their students from participating in the school lunch program. We therefore urge the enactment of S. 2548.

Meals served at school should be available to all children without discrimination as to their ability to pay. We further believe that such meals should be of the best possibly quality, available to the greatest number of children and provided at the lowest possible cost. We are happy, therefore, with the provision in both S. 2548 and H.R. 515 that will help to relieve any existing discrimination against children and will assist in expanding the scope of the program. We also believe that we should have as our goal uniform standards among the States regarding eligibility of the students. This would be in line with the action of this committee relating to food stamps.

In the meantime, the provisions that would amend the present program to require States to contribute appropriate tax funds to the non-Federal share of the programs should help to keep the cost of the lunch within a price range acceptable to many children and parents.

Awaiting annual appropriations does not induce long-range, creative planning. Authorization of appropriations to carry out the provisions of the School Lunch Act and of the Child Nutrition Act of 1966, 1 year in advance should help to facilitate program planning.

As advocates of the need for improvement in nutrition education as one of the primary factors in improving the health of human beings, we of the American Dietetic Association welcome the provisions of S. 2548 and H.R. 515 that permit up to 1 percent of the funds appropriated for the school lunch program and child nutrition program to be used for education and training in the nutrition field for program workers and participants, and for surveys and studies to improve the program. This gives recognition to the fact that, in addition to poverty, ignorance and indifference are the enemies of sound nutrition practices. We recognize, however, that some States and some school lunch programs could effectively use more than the 1 percent of the appropriated funds for training and education in nutrition. We recommend, therefore, that provision be made for increasing the proportion

of funds earmarked for education and training as we gain experience with this aspect of the school lunch program.

While nutritional education programs already have some link to the school lunch program, this is the first legislation that specifically earmarks funds for this program. We welcome this step forward and recommend that this be a first step in providing nutrition education for all individuals and families with the incorporation of nutrition education as a requirement in school curriculums. Nutrition education is one of the most neglected areas in our education. This subject receives little emphasis in schools because teachers have little training in it. (There is a need to recognize nutrition as a biological science and so teach it.) We believe that nutrition education should be a requirement in the preparation of all teachers. However, we realize that the implementation of this program is not a part of this bill. Further we should like to recommend that consideration be given to the use of the school lunch program as a laboratory in the teaching of the principles of applied nutrition. Using the school lunch situation as the environment in which to learn the application of good eating habits that will influence both the health of the individual and his family can do much to increase interest in the program, and to improve their health, as will enforcing the provision of S. 2548 and H.R. 515 that would discourage the selling of snack foods in competition with the school lunch programs. We realize that the school lunch program is limited in its effect on the total dietary intake of a student. It is served about 180 days of the year. We do believe, however, that the educational effect of school feeding programs in developing sound food habits cannot be over-emphasized. We therefore endorse the provision of S. 2548 that gives assistance to State agencies to provide the qualified nutrition personnel that are so badly needed.

S. 2548 authorizes an additional 1 percent of the appropriations to be used for research, demonstrations, traineeships, and the dissemination of nutrition information. This association strongly supports this authority of S. 2548, but we recommend that a provision be added to encourage cooperation between State and local health and educational agencies in the research, survey, and demonstration projects that are authorized. Since nutrition is a discipline of health, we should encourage a health input in efforts to improve the school lunch program. Furthermore, the shortage of nutrition personnel is so acute that efforts to improve their utilization should be encouraged.

We therefore urge that efforts to improve this would not be limited to school lunch personnel, but would include the teachers who ultimately can reach the children and their families.

The amendment to H.R. 515 of Congressman William A. Steiger, from Wisconsin, would provide for the creation of realistic program evaluation so that the educational and nutritional aspects may be reviewed. This would be one of the cooperative efforts of the Department of Agriculture and the Department of Health, Education, and Welfare. As a proponent of the need for comprehensive nutrition program planning that will utilize the expertise of all agencies of the government in promoting better health for the population in this country, we agree with the amendment to H.R. 515 as offered by Congressman Steiger. We hope that it will be added as an amendment to S. 2548.

Furthermore, we of the American Dietetic Association would like to see nutrition education as related to the school lunch program become a part of comprehensive, coordinated, community nutrition programs. We should like to suggest that trained nutritionists work with families and the local school administration for the purpose of reviewing the availability of meal service in school, its contribution to the family meal pattern, as well as the possibility of involving the local school lunch personnel in the nutrition education program. School lunch personnel have worked with Government donated commodities for almost 30 years. They have developed an expertise in the planning and preparation of meals using these foods which could be used to enhance the diets of everyone concerned.

Problems limiting the availability of food services in small, older, remote school districts are usually the lack of space, lack of equipment and lack of facilities for delivering a meal. S. 2548 provides the necessary authority to overcome these obstacles.

I have already briefly expressed the policy of the American Dietetic Association concerning the feeding of all children. We believe that nutrition services under the supervision of qualified nutrition personnel should be a component of all health related programs. In addition, we give priority for the provision of such programs to children and youth in the growing years. Therefore, legislation designed to explore the possibility of expanding feeding programs to more fully meet the needs of schoolchildren certainly has our support.

The school lunch program is a program for youth in a country where the projected figures for 1975 estimate that between 51.8 and 58.4 million students will be enrolled in the elementary and secondary schools. By sheer force of numbers alone, the lunch program must have an influence on the diet in the United States. Through the use of millions of pounds of surplus commodities, plus billions of dollars worth of purchased foods, the noon meal has already enriched the diets of children who have participated in the program.

S. 2548 proposes a new section 16 of the National School Lunch Act that would authorize a National Advisory Council on Child Nutrition. Although we recognize the importance and value of having an advisory committee to assist in the administration of the National School Lunch Act or the programs in the school lunch, we wonder if the title of the committee might imply a broader area of responsibility than is actually intended.

The American Dietetic Association recommends that the Food and Nutrition Board of the National Academy of Sciences be consulted in the development of national nutrition policies for all persons, including children. Furthermore, we recommend that a national advisory council on nutrition be established at the White House level to implement national nutrition policies.

We would suggest that the title of the proposed advisory council in S. 2548 be changed to National Advisory Council on the School Lunch Program. I believe that is essentially what Miss Martin discussed this morning.

In addition, we would recommend that representatives of the Department of Health, Education, and Welfare—the primary Federal health agency—be included as members of the proposed council. Finally, we would hope that there would be provision for cooperation and

coordination between the recommended National Advisory Council on Nutrition at the White House level and the proposed National Advisory Council for the School Lunch Program.

Our obligation to those we are not reaching and helping to enjoy optimum nutrition in this land of plenty remains unfulfilled until we are providing them with every opportunity to develop a sound mind in a sound body. The potential for child feeding programs combined with nutrition education as a vital component in developing sound dietary practices and thus combating hunger and malnutrition has always existed. The focus which such programs are now enjoying should lead to broader endorsement of these programs. Adoption and future expansion of legislation like that which is being considered here today should help each of us to achieve our mutual goals for the people of the United States.

Let me say again that the American Dietetic Association is grateful for the opportunity to present our views.

Senator TALMADGE. Miss Fischer, I congratulate you on a very fine and comprehensive statement.

Your organization, you state, is composed of 21,000 dieticians and nutritionists who are responsible for the application of the scientific principles of nutrition. Just where and what do these 21,000 people that are members of your society do? How many of them are engaged in serving food in educational institutions?

Miss FISCHER. I suspect between a thousand and 1,500, roughly, of the 21,000.

Senator TALMADGE. Where are the other 19,000 or 20,000?

Miss FISCHER. We have a large percentage of them working in hospitals. We have a number who carry the title of nutritionists, who are nutritionists in State, city, county health departments, who are the nutrition specialists at the State level with the Extension Service. We have a number of our members, a fair proportion, that are teaching in colleges and universities. I suspect that is the largest number of our group.

Senator TALMADGE. They all have degrees in nutrition?

Miss FISCHER. Yes, they have degrees, usually from a school of home economics with a major in foods and nutrition of institutional management, and some additional work, either an additional degree or a hospital internship or some other kind of specified experience.

Senator TALMADGE. Let me say that I am flattered indeed that 21,000 people with the qualifications that your group possesses could think well of the bill I have had the honor to introduce.

Mr. Chairman, the witness has finished her testimony and I only asked one or two questions.

The CHAIRMAN (presiding). Did you read all the bills before us?

Miss FISCHER. Yes, I have read them all.

The CHAIRMAN. Have you any particular choice of any, or did you suggest any particular one?

Miss FISCHER. I think we are particularly gratified in both bills with the emphasis on nutrition education. Our association feels that all people should be fed, but that any feeding program is enhanced by the educational aspect, and I think perhaps the Senate bill has more money for free and reduced-price lunches and additional money for training in nutritional personnel and for research. But I think either

the Senate or the House bill we would be in favor of. We would endorse either or both.

The CHAIRMAN. As I indicated during the hearings, on the food stamp bill, we have money in the appropriation bill to employ 5,300 nutrition aides. They are trained and supervised by the State extension service and more or less contact the people who obtain stamps so that they can give them information on how to prepare a balanced meal. If we could get these people to work through the Extension Service on the school lunch program, we might be able to have all this work in one area rather than have two or three places where the information could be obtained.

Miss FISCHER. Could I make a comment, sir?

The CHAIRMAN. I wish you would.

Miss FISCHER. I am not sure whether you were here when Senator Talmadge was asking me about the qualifications of the 21,000 dietitians and nutritionists in our association. I think we are using the term "nutritionist" in a little different context than you are speaking of when you are speaking of the 3,200 nutritionists being trained to work on a person-to-person basis in the county. Are these the persons who sometimes carry the title of "Program Aide" with the Extension Service under the recent appropriation?

The CHAIRMAN. During the hearings by the committee headed by Senator McGovern, we found that one reason people don't eat the proper food is that they do not know any better. That they need guidance. That was the burden of the testimony of two or three or four witnesses. So what we did was immediately call this matter to the attention of the Department of Agriculture.

The Department proceeded to obtain people to work with the various recipients of food stamps to try to get them more knowledgeable about food, you know, the combination of foods that give a proper diet. I was in hopes that we could do something along that line, using those same people, in order to help in the school lunch program. If we have to get many more nutritionists to work in the food stamp and then more in the school lunch program, it might be that we will not be able to get the money to do all of that.

Miss FISCHER. I think the same people are working in both.

The CHAIRMAN. I think what we ought to do is try to work that through the Extension Service and not have a separate bureaucracy. I think you have a better chance of doing it that way than to provide for it separately for this school lunch program.

Miss FISCHER. I would agree with you that the same people could cooperate. I think we are still using the term "nutritionist" differently.

The CHAIRMAN. I would assume they would have the qualifications?

Miss FISCHER. Yes.

The CHAIRMAN. Is it not possible for a good nutritionist to prepare a diet for a certain area and let the Extension Service show people how to use that?

Miss FISCHER. Indeed, yes.

The CHAIRMAN. Well, that is what I think we ought to work on.

Miss FISCHER. It is just the terminology that I guess I am talking about. Yes, indeed.

The CHAIRMAN. The Extension Service, as I remember, was established back in 1914. It did a great service to the country, to the

farmers, in disseminating what was obtained through research. I think through their efforts we were able to produce more food than we ever did in our whole history. In fact, I do not think there is a nation in the world who produces more than we do for a given acreage. It strikes me that that same organization, if they were able to instruct the farmers on growing the food, certainly could instruct consumers as to how to make that food more palatable and give them more vitamins, produce a balanced diet.

Miss FISCHER. You may be interested that the person who is going to follow me as president is a specialist in nutrition with an Extension Service in one of our States.

The CHAIRMAN. All right. Thank you very much.

Miss FISCHER. Thank you.

(Supplemental statement filed by Miss Fischer is as follows:)

CHICAGO, ILL., October 16, 1969.

HON. ALLEN J. ELLENDER,
*Chairman, Committee on Agriculture and Forestry, Old Senate Office Building,
Washington, D.C.*

Dear Senator Ellender: I am taking this opportunity to thank you for your kindness when I presented testimony on September 29, 1969, on legislation to amend the National School Lunch Act. The members of The American Dietetic Association appreciate your interest in legislation that is designed to improve the nutritional status of the population of this country.

I should like to add to my remarks concerning the membership of The American Dietetic Association. Our 21,000 members educated in the profession of dietetics include 800 individuals who would be classified as "nutritionists" according to the definition of the American Public Health Association and the Dictionary of Occupational Titles. I believe that your reference to several thousand nutritionists employed by the Department of Agriculture refers to the aides that have been trained during this past year by the Extension Service to work with families in areas of nutrition.

I respectfully request that this letter be inserted following my remarks in the printed record of hearings.

Sincerely yours,

FRANCES E. FISCHER,
President, American Dietetic Association.

The CHAIRMAN. That is all the witnesses we have scheduled for today and the committee will stand in recess until 10 o'clock tomorrow morning.

(Whereupon, at 5:30 p.m., the committee recessed to reconvene at 10 a.m., Tuesday, September 30, 1969.)



SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS

TUESDAY, SEPTEMBER 30, 1969

U.S. SENATE,
COMMITTEE ON AGRICULTURE AND FORESTRY,
Washington, D.C.

The committee met, pursuant to recess, at 10:08 a.m., in room 324, Old Senate Office Building, the Honorable Allen J. Ellender (chairman) presiding.

Present: Senators Ellender (presiding), Holland, Talmadge, Jordan of North Carolina, McGovern, Aiken, and Bellmon.

The CHAIRMAN. The committee will please come to order.

Dr. John Perryman, will you step forward, please?

STATEMENT OF DR. JOHN N. PERRYMAN, EXECUTIVE DIRECTOR, AMERICAN SCHOOL FOOD SERVICE ASSOCIATION, DENVER, COLO.

MR. PERRYMAN. On behalf of the officers and 48,244 members of the American School Food Service Association, I wish to express appreciation for the opportunity extended to the panel to appear before the committee on behalf of S. 2548. All members of our panel have prepared statements. In the interest of time, we have asked them to summarize. I would like first of all to introduce our panel: Our resource member, Miss Josephine Martin; from the State of Utah, Mr. Rodney Ashby, who is administrator of School Food Services, and chairman, State directors and supervisors section, ASFSA.

From the State of Michigan, Mr. Howard Briggs, director, School Food Services, board of education, Detroit, Mich.

From the State of Massachusetts, Mr. Thomas P. O'Hearn, director of food services, archdiocese of Boston and chairman of the legislative committee, ASFSA.

And from the State of Missouri, David R. Page, director, School Food Services, St. Louis.

Before the members of the panel comment on the specifics of the proposed legislation, I would like to explain, in part, the reasons for our appearance here today.

The very fact that there is a Talmadge bill is indicative of your interest and the interest of the Congress in the school food service program—in the awesome task of assuring that this Nation's children are fed.

The White House has also expressed urgent concern over the matter of hunger and malnutrition in the United States, and I spent 2 days of last week in meetings of Panel V:4 (large-scale meal delivery systems) of the White House Conference. During those 2 days we

heard repeated presentations—I didn't count them but I daresay 15 or more—from various groups, departments, and agencies telling what they are doing right in the matter of feeding hungry Americans. I do not blame them—self-preservation is the strongest of all human instincts—but I determined then and there to go home and redo my testimony to say to you this morning what I feel needs to be done to feed hungry Americans.

The late President Kennedy, in opening the World Food Congress in this city on the morning of June 4, 1963, stated :

We have the means, we have the capacity to eliminate hunger from the face of the earth in our lifetime. We need only the will.

In my judgment that statement was correct in 1963 and is even more correct today. We do have the technology, we do have the know-how, we do have the food production to eliminate hunger in our Nation. What we need is the will, the clear-cut, continuing commitment from the Congress to the State legislatures, to the boards of education across the land to get the job done. In my judgment S. 2548 is clear evidence that the Congress of the United States is in the vanguard of such a national commitment. I then go on regarding various parts of the bill. The association supports the bill, believes that it is outstanding legislation.

I would like to call particular attention to the development of expertise. Those provisions of S. 2548 proposing assistance to local school districts to employ nutrition specialists and those provisions proposing funds for the training of nutrition specialists are deemed by us to be some of the most worthwhile and forward-looking legislation in the field of school food service since the passage of the original National School Lunch Act. We are also in agreement with the establishment of a National Advisory Council and hope that a representative of American School Food Service Association may be privileged to serve thereon.

In the matter of overt identification, we believe the only real way to do away with the implied shame of poverty, the embarrassment of insolvency, is to do away with segregation against solvency. We attempt to build young bodies through physical education courses, we attempt to build young minds through a wide spectrum of studies. It seems only fitting and proper that we should attempt to build both bodies and minds through a school food service program which is a fundamental part of the educational program, paid for from funds provided by the Federal, State, and local governments.

We of the American School Food Service Association believe that food service in the schools of our Nation should be provided on exactly the same basis as any other phase of education in the school.

My comments on this bill have been highly favorable. In my judgment it is excellent legislation and, if passed into law, will take not one but many steps in the direction of filling the food needs of our youthful population. But no matter how farsighted the planning of our Congress may be, the Federal Government cannot do the job alone—we must take the folks at home with us if any program is to succeed. This we are not now doing in many instances.

Attitudes of school administrators toward food service on school premises have varied, to say the least. These attitudes have run the gamut from school administrators who have found in their school food

services a golden opportunity for education to those administrators who view food service with disdain and consider it unworthy to be a part of the formal education process. There are boards of education even today who, like Pontius Pilate, wash their hands of all responsibility either moral or financial for their food service programs.

As we sit here today in Washington discussing new steps to properly feed the youth of the Nation as a part of their educational process, there sits just across the river the vast school district of Fairfax County, Va., undoing everything you are trying to do. After 17 years of providing at least a measure of financial support for its school lunch program, that board of education has this very year divorced itself financially from the program completely. They have announced they will do the same in the future and are now even asking the food service department to find ways of paying the hostesses who relieve teachers of noontime supervision.

Educators and administrators throughout the Nation must come to the realization that school food service is no longer an option, it is the vanguard of the new sense of collective responsibility which is shaping our Nation. The school administrator of the 1970's will be well advised to spend his time, not on the deliberation of whether or not he will have food service as a part of his school, but rather on how to give direction to this potent and volatile force within his area of responsibility.

We in American School Food Service Association believe that a nationwide public information drive is needed to educate our people on the meaning of good nutrition and its relationship to health and learning. Appeals for assistance in such a public information program to the Office of Economic Opportunity and the Department of Agriculture have thus far met with no success. Therefore, we are endeavoring to go it alone, and with the help of an industry committee are seeking to raise a modest budget of \$50,000 per year to talk to the people of our Nation about the importance of human nutrition. Purveyors to our market are helping in this effort, and I am pleased to say that several thousand dollars have also been received from the largely minimum wage incomes of our own members.

If we had only a fraction of the money being spent on communication with the public in regard to smoking—either for it or against it—we could develop the countrywide determination and will of which President Kennedy spoke to end malnutrition as well as undernutrition for all time. Again permit me to say, on behalf of those of us involved in the work of feeding our school population, our hearts are gladdened at the thought of such legislation as S. 2548, H.R. 11651, and H.R. 515, but we must not permit local communities, through a lack of understanding, to undo all that you are endeavoring to do. A public information program on human nutrition is a must, for only by working together on national, State, and local levels will hunger finally be eliminated. I am reminded of the words of Matthew: "That if two of you shall agree on Earth as touching anything they shall ask, it shall be done for them * * *." Let us all agree on Earth to seek an end to hungry children.

(The prepared statement of Mr. Perryman follows:)

On behalf of the officers and 48,244 members of the American School Food Service Association, I wish to express appreciation for the opportunity extended

to the panel to appear before the Committee on behalf of S. 2548. The panel members are: Mr. Rodney Ashby, Administrator, School Food Services, State Board of Education, 136 East South Temple, Salt Lake City, Utah 84111, Chairman State Directors and Supervisors Section, ASFSA; Mr. Howard Briggs, Director, School Food Services, Board of Education, 5057 Woodward Avenue, Detroit, Michigan 48234; Mr. Thomas P. O'Hearn, Director of Food Services, Archdiocese of Boston, 488 Beacon Street, Boston, Massachusetts 02115, Chairman Legislative Committee, ASFSA; Mr. David R. Page, Director, School Food Services, 3431 School Street, St. Louis, Missouri 63106; Chairman of the panel: Dr. John N. Perryman, Executive Director, American School Food Service Association, 4101 East Iliff Avenue, Denver, Colorado 80222.

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In my judgement S. 2548 is clear evidence that the Congress of the United States is in the vanguard of such a national commitment.

ADVANCE FUNDING

One of the most encouraging aspects of the bill is to be found in Section 1, making funds available in advance of the fiscal year of use. This assurance of on-going support will be enormously meaningful to school administrators. As we discuss on this final day of September, legislation which materially affects the operation of the current school year, time already becomes a barrier to optimum implementation in this year.

SPECIAL ASSISTANCE

We commend the dramatic increase proposed in special assistance. We take particular encouragement from the fact that this is a three year program, very wisely phased upward. My Executive Board would wish me to pledge to you the full support of our national organization in putting fully to work this splendid additional resource from its first year of availability.

NONFOOD ASSISTANCE

With 7 million children attending schools with no food service facilities whatsoever, there can be no question but that the Non-food Assistance provisions of S. 2548 are desperately needed. But here again I would speak to you of need for a nation-wide commitment, not only from Washington, but from state and local levels as well. With such a commitment we can get the job done, and done—in my judgement—within the framework of school operated food service programs. Without it, we cannot get the job done, no matter who the operator might be.

STATE MATCHING

A panel representing American School Food Service Association put forth a similar recommendation in April 1968 in testimony before the House Education and Labor Committee. We believe in the principle of state matching funds. We further strongly support the provision of administrative funds for state departments. Most, if not all, of our state directors have been hampered in the administration of their assigned duties because of lack of staff.

DEVELOPMENT OF EXPERTISE

Those provisions of S. 2548 proposing assistance to local school districts to employ nutrition specialists and those provisions proposing funds for the training of nutrition specialists are deemed by us to be some of the most worthwhile and forward looking legislation in the field of school food service since the passage of the original National School Lunch Act. We are also in agreement with the establishment of a National Advisory Council and hope that a representative of American School Food Service Association may be privileged to serve thereon.

OVERT IDENTIFICATION

We would like to say a special word on this subject. Deliberate identification of children receiving reduced price or free meals would be contrary to the sensibilities of every person in this room, I have no doubt. Such tactics as free lunch lines or public distribution of special tickets in the classroom are inexcusable. On the other hand, being completely realistic, absolute privacy is very nearly an administrative impossibility, if not for no other reason than the garrulous nature of children themselves.

The only real way to do away with the implied shame of poverty, the embarrassment of insolvency, is to do away with segregation against solvency. We attempt to build young bodies through physical education courses, we attempt to build young minds through a wide spectrum of studies. It seems only fitting and proper that we should attempt to build both bodies and minds through a school food service program which is a fundamental part of the educational program—paid for from funds provided by the federal, state and local governments.

We cannot and should not discriminate in public education on the basis of race, color or creed. How then can we justify discrimination in the school lunchroom on the basis of family income? If you are convinced, as I'm certain you are, that school food services are a part of education, then let us remove the kind of discrimination we would not tolerate in some other phase of the public education program.

We of the American School Food Service Association believe that food service in the schools of our nation should be provided on exactly the same basis as any other phase of education in the school. This conclusion is based upon two premises:

First is that in the history of free world education, it is repeatedly stated that the philosophy and purpose of our education is the enlargement and enrichment of human personality. If the purpose of education is to teach the individual to live life at its fullest and best, surely the discipline of school food service is as much a part of education as chemistry, trigonometry or English literature.

The second premise is simply that there is no way to remove the stigma of free or reduced price meals, other than by removing the test of financial need.

Such has been the experience with publicly supported education in the United States. If we consider it fair and appropriate to ask taxpayers to make an investment in education for buildings, for teachers and for the tools of learning, we cannot in good conscience fail to ask them to provide this most important instrument of learning. The sound body and receptive mind that are the results of proper nutrition.

THE NATIONAL COMMITMENT

My comments on this bill have been highly favorable. In my judgment it is excellent legislation and, if passed into law, will take not one but many steps in the direction of filling the food needs of our youthful population. But no matter how far sighted the planning of our Congress may be, the federal government cannot do the job alone—we must take the folks at home with us if any program is to succeed. This we are not now doing in many instances.

Attitudes of school administrators toward food service on school premises have varied, to say the least. These attitudes have run the gamut from school

administrators who have found in their school food services a golden opportunity for education, to those administrators who view food service with disdain and consider it unworthy to be a part of the formal education process. There are Boards of Education even today who, like Pontius Pilate, wash their hands of all responsibility either moral or financial for their food service program.

As we sit here today in Washington discussing new steps to properly feed the youth of the nation as a part of their educational process, there sits just across the river the vast school district of Fairfax County, Virginia, undoing everything you are trying to do. After seventeen years of providing at least a measure of financial support for its school lunch program, that Board of Education has this very year divorced itself financially from the program completely. They have announced they will do the same in the future and are now even asking the food service department to find ways of paying the hostesses who relieve teachers of noon-time supervision.

We receive similar accounts from Long Island to California, Boards of Education which have already cut their food service programs adrift or are seriously considering doing so. There is developing in this country a frightening contradiction for those who turn their backs on school food service in this day and age. We have seen dramatic changes in the teaching of math and science in our schools, we have seen rapid shifts in integration programs as the vision of the black man in the United States sweeps past the point of integration to the first rumblings of pride in black identity. We have seen a sociological hurricane tearing away the preconceived notions and many of the old and outdated philosophies of education. The eye of the social maelstrom now rests upon the concepts of abundance for all and, as it should and must, this concept of abundance begins with food. The drive to end hunger and malnutrition in the United States today has become the pivotal force of our decade and within this climatic drive to end hunger, the pivotal force is school food service—for it is already a reality, already organized, already reaching a mass of humanity in already structured groups in already predisposed situations through already established channels.

Educators and administrators throughout the nation must come to the realization that school food service is no longer an option, it is the vanguard of the new sense of collective responsibility which is shaping our nation. The school administrator of the 70's will be well advised to spend his time, not on the deliberation of whether or not he will have food service as a part of his school, but rather on how to give direction to this potent and volatile force within his area of responsibility.

We in American School Food Service Association believe that a nation-wide public information drive is needed to educate our people on the meaning of good nutrition and its relationship to health and learning. Appeals for assistance in such a public information program to the Office of Economic Opportunity and the Department of Agriculture have thus far met with no success. Therefore, we are endeavoring to go it alone, and with the help of an industry committee are seeking to raise a modest budget of \$50,000 per year to talk to the people of our nation about the importance of human nutrition. Purveyors to our market are helping in this effort, and I am pleased to say that several thousand dollars have also been received from the largely minimum wage incomes of our own members.

If we had only a fraction of the money being spent on communication with the public in regard to smoking—either for it or against it—we could develop the country-wide determination and will of which President Kennedy spoke to end malnutrition as well as under-nutrition for all time. Again permit me to say, on behalf of those of us involved in the work of feeding our school population, our hearts are gladdened at the thought of such legislation as S. 2548 and H.R. 11651, and H.R. 515, but we must not permit local committees, through a lack of understanding, to undo all that you are endeavoring to do. A public information program on human nutrition is a must, for only by working together on national, state and local levels will hunger finally be eliminated. I am reminded of the words of Matthew "That if two of you shall agree on Earth as touching anything they shall ask, it shall be done for them. . . ." Let us all agree on Earth to seek an end to hungry children.

The CHAIRMAN. All right, Mr. Perryman.

Do you wish the others to submit their statements?

Mr. PERRYMAN. Yes; I would like to call first on Mr. Ashby.

The CHAIRMAN. Please identify yourself for the record and then you might highlight your statement. All of the statements will be put in the record.

STATEMENT OF RODNEY A. ASHBY, ADMINISTRATOR, SCHOOL FOOD SERVICES DIVISION, UTAH STATE BOARD OF EDUCATION, SALT LAKE CITY, UTAH

Mr. ASHBY. I am Rodney A. Ashby. I am administrator of the School Food Services Division of the Utah Board of Education. It is a real honor to be invited to discuss this subject and material.

It is my responsibility as State director and as the chairman of the State Directors and Supervisors Section of the American School Food Service Association to report a little bit about the financing and a study that was made in February 1969, relative to the use of section 32 transfer funds.

I made a study of the 50 States, the District, and the territories, and found some very interesting and discouraging situations simply because, in the first place, the House had appropriated \$100 million and, through testimony, this was cut to \$50 million, and later the appropriation wound up to be \$41,838,862.

The Department of Agriculture, early in October last year, when it seemed as though there would be additional money, called all of the States together in three district meetings. These were well attended and the enthusiasm was very high. However, letters of credit were issued sometime after November 1, 1968, for part of the administrative fund, which was allocated for the first time in history, but only 60 percent of the tentative section 32 allocation to States.

Now, 60 percent of the tentative allocation was not sent out until after November, although the meetings were held in early October. As of May 5, 1969, none of the balance of the 60 percent had been received by the State, or 40 percent of the funds had been released to the States at that time and we were limited to that amount because we had no idea how much more we would be getting.

The February survey indicated that the total of \$41,838,863 letters of credit of \$25 million left a balance of \$16,735,000 that no one had any idea how much we would get.

Six States indicated that they might not be able to use the total tentative allocation, but all the rest indicated that they would be able to use that amount and more.

During March, I received a letter from these States that said they probably could not use all of their allocation, and they had changed their position by that time from February to March.

On page 3, I have listed a quote from each of the letters.

From Texas, Mr. Hicks says, "We are reducing the rate of reimbursement 1 cent for lunches under section 4 for March, April, and May."

J. H. Walker, from Mississippi says, "We will use all money available to us. The time element made it necessary to go into a crash program. We could use more money; however, uncertainty, proliferation of programs with the accompanying regulations contributes to confusion and malfunction from the summit to the depths."

Jack Koetter from Montana was another one who answered in this regard.

Elizabeth Angell of Rhode Island indicated that they were far short of very limited nonfood assistance funds for necessary equipment; \$1,310 was very inadequate for their needs.

Al Jennings of Oklahoma reports, "We anticipated 40 schools would qualify as section 11 but to our amazement there were 152 schools. We had to stop approving applications on February 12."

I draw your attention again to the fact that in October, the meetings were held and the kickoff came and we were encouraged to go ahead immediately, but it was the latter part of November before we received any money and then only 60 percent of it. The 40 percent did not come until after May.

On page 4—for more than 20 years, all States have had to plan and budget conservatively. Selected statistics published by the USDA give the value of USDA commodities and cash per child. I have listed here from 1955 to 1968 the amount of money per child per year as reported. You will notice that we started with 1955 at \$14.35—these are per child in the program—and in 1968, got up to \$21.90. But all the way through here, we have 16, 16, 14, 17. There is no place in all these years where we have had a real increase to the point where we could really go out and involve additional children.

So we say commodity values have been erratic. It is impossible to prepare realistic budgets for an expanding program under such uncertain support.

On page 5, to properly budget, operate existing programs, and develop new and expanded programs, there must be consistency in current and expanded support.

Crash programs starting very late in the year, then operating for weeks or months with the uncertainty of further assistance, will never achieve the tremendous task facing us.

I get calls from districts in our State, what about 1969-70? You want us to increase 20, 30, 40 percent; where do we stand? We are operating now on letters of credit, which means that we are limited to what we spent last year in September and October, and if we went ahead, we would either be out of money and have to close the program entirely or we would have to anticipate and guess what we might be getting. All States are in a similar position.

Regulations should be written with much more flexibility to provide for varying conditions by States. There is a lot of difference in expanding programs in a State where they are now serving 60, 70, or 80 percent of all the children as compared to States serving 15 to 45 percent. Rigid regulations deter rather than promote expansion.

If we are going to encourage large schools or districts to provide additional lunches, they must be assured of sufficient funds to provide for expansion.

We have received letters of credit. The money actually is not drawing interest. It is not used, it is not drawn on until we have earned it, and to appropriate about what we figure will be spent or used by the States, or a little less than that, is inconsistent with the idea of expansion, because local boards of education just will not feel comfortable and enthused about going ahead without knowing pretty well what they are going to be able to receive. They do not want to start something and then have to close it up.

To achieve best results, then, advanced appropriation keyed to current budgets make it essential. It is my judgment that the realization of our ultimate objective could have moved much faster had we been able to achieve sponsors and adequate support to enable them to implement their programs properly and expand them to the fullest extent of their ability. As an example, fiscal year 1969 estimates of potential operations as reported by States and territories reflect this uncertainty and conservatism.

If we are going to keep up with the mandate that has been given us, then we need additional funds and we need them now in order to involve additional programs, particularly in places where we do not now have programs organized and to expand in those where we do have them organized.

So conservatism at any level is hard to justify when the health of our Nation's children is threatened. As mentioned previously, we are currently operating on a level of support as established last year, because we are on the letter of credit system.

States are facing legal action right now and threatened boycotts. It should be apparent from past experience that advance funding, State support of programs, consideration in writing regulations to allow for differences between States, and an appropriation to allow for expansion are essential if we are to even partially achieve the objectives as stated by the President and the illustrious Congressmen.

This State support is very important and is spelled out in this proposed legislation.

On page 8, I have just summarized here and I think I do not need to go over those except to emphasize one or two items.

Item 6, clarification of a free and reduced-price lunch is essential. Current provisions and regulations are impossible at the local level. Unless we have free lunches for everybody, it is just absolutely impossible for the school administrator to not have a program for everyone who wants to go into it far enough and not find discrimination or overt identification. It is not quite as obvious in some places as others, but it is an almost impossible situation.

Section 11 funds must be keyed to the needy child and follow the child and not have to be only given to those who happen to live in a ghetto area. There are needy children in all of the school districts in the State of Utah to some extent and this is true in every other State. So the money needs to go there and not be tied up to a ghetto area.

I would like to emphasize also the No. 10, a system of accountability which will assure prompt reporting by States, thus making possible improved management of funds at the State and Federal levels. We need more State funds from many of the States and we need a system of accountability in order to give the Department of Agriculture an opportunity to make additional funds available in supplementary appropriations in order for us to use the money, especially when it is coming as late as it is at the present time.

Thank you, sir.

(The prepared statement of Mr. Ashby follows:)

Mr. Chairman and members of the Committee: My name is Rodney A. Ashby. I am Administrator of the School Food Services Division, Utah State Board of Education. I appear here today in my capacity of Chairman, State Directors and Supervisors Section of the American School Food Service Association, in support of S2548.

It is a privilege to appear before this distinguished committee. It is my responsibility to report results of a study made during February 1969 of the use of Section 32 Transfer Funds by the 50 states, the District of Columbia, and the territories, as well as the deterrent effects of inadequate, delayed funding.

Early last Fall, as you well know, a bill was passed by the House to transfer from Section 32 Funds \$100 million annually for three years to feed needy children. Then, on the recommendation of the U.S. Department of Agriculture the amount was pared by the Senate to \$50 million for one year, and this was the amount enacted into law. In apportioning the funds there was a further reduction to \$41,838,863 for feeding needy children.

The Department of Agriculture invited state directors to attend area meetings in October 1968 to discuss ways and means of getting the program implemented as quickly as possible. These meetings were helpful, yet funds were delayed to the point where many states' original enthusiasm was dampened.

Letters of credit were issued some time after November 1, 1968 for part of the administrative fund and 60% of the tentative Section 32 allocation to states. As of May 5, 1969 none of the balance, or 40% of the program funds, had been released to the states.

The February survey indicated that most states were in need of additional money to contains programs already started. Twenty-five states originally estimated they would use the tentative allocation. Twenty-five said they could use more than the tentative allocation. Here is the picture as I interpreted the conditions in the states and territories as of February 1969.

Total available-----	\$41, 838, 863
Letters of credit issued for 60 percent-----	25, 103, 234

Balance not available as of May 5, 1969-----	16, 735, 629
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Six states indicated they might not be able to use the total tentative allocation. During March I received letters from these states indicating they need the tentative allocation and more if available.

POSSIBLE EXPANSION OF THE PROGRAMS TO NEEDY CHILDREN AS REPORTED

Several states were out of Section 11 and 32 money by February and were uncertain as to when or how much additional Section 32 money would be available to them.

Mr. Charles Hicks, Chief Consultant from Texas, will not be turning any money back as indicated on the survey. March 20 he wrote, "We are reducing the rate of reimbursement one cent for lunches under Section 4 for March, April and May. This is necessary because of an increase of 350 schools. We do not have sufficient Section 32 funds to reimburse all Section 11 schools. We are able to approve only about half of the schools which have applied for nonfood assistance."

J. H. Walker, State Director, Mississippi, reports. "We will use all money available to us. The time element made it necessary to go into a crash program. We could use more money; however, uncertainty, proliferation of programs with the accompanying regulations contributes to confusion and malfunction from the summit to the depths."

Jack W. Koetter, State Director, Montana, reports. "I have requested all of Section 32 funds tentatively allocated to Montana."

Elizabeth F. Angell, State Director, Rhode Island, reports, "A more recent review of our program shows we will need all of our tentative allocation. We are far short of very limited nonfood assistance funds (\$1,310) for schools desperately in need of help in procuring necessary equipment to expand feeding to low income areas."

Al Jennings, State Director, Oklahoma, reports. "We anticipated 40 schools would qualify as Section 11 but to our amazement there were 152 schools. We had to stop approving applications on February 12. We figure this is about half of the schools we would serve if money had been available."

For more than 20 years all states have had to plan and budget conservatively. Selected statistics published by the USDA give the "Value of USDA Commodities and Cash Per Child." This report indicates that federal support has been meager and in some years erratic. Total cash and commodity assistance for a fourteen-year period verifies this fact.

VALUE OF U.S. DEPARTMENT OF AGRICULTURE COMMODITIES DISTRIBUTED AND CASH PER CHILD TO ALL STATES
AND TERRITORIES

[Taken from U.S. Department of Agriculture selected statistics]

Fiscal year	Sec. 32/416	Sec. 6	Commodity total	Federal cash	Grand total
1955.....	\$6.88	\$1.17	\$8.05	\$6.30	\$14.35
1956.....	9.21	1.40	10.61	6.37	16.98
1957.....	11.08	.79	11.87	4.55	16.42
1958.....	5.56	1.30	6.86	7.33	14.19
1959.....	4.69	3.54	8.23	7.79	16.02
1960.....	4.87	4.76	9.63	7.31	16.94
1961.....	4.58	4.54	9.12	6.97	16.09
1962.....	6.67	4.87	11.54	6.96	18.50
1963.....	6.79	3.94	10.73	7.26	17.99
1964.....	7.17	3.70	10.87	7.55	18.42
1965.....	10.44	3.49	13.93	7.66	21.59
1966.....	5.46	3.22	8.68	7.82	16.50
1967.....	5.96	3.14	9.10	8.15	17.25
1968.....	10.45	2.95	13.40	3.50	21.90

Note: Commodity values have been erratic. It is impossible to prepare realistic budgets for an expanding program under such uncertain support. It is also evident from the cash apportionment that expansion has not been possible. Coupled with the irregular commodity support, the States have done well to take care of the normal increase in attendance. Hopefully, the determination and support in 1969-70 is being seriously planned and carried out with a degree of integrity.

To properly budget, operate existing programs, and develop new and expanded programs there must be consistency in current and expanded support.

Crash programs starting very late in a school year, then operated for weeks or months with the uncertainty of further assistance, will never achieve the tremendous task facing us. I had a call from one of our larger districts inquiring about support for 1969-70. All I could answer was that I didn't know, except that under provisions of a continuing resolution we are held to last year's expenditures.

Regulations should be written with as much flexibility as possible to allow for variable conditions within the states. The problems of expansion in a state currently serving 60 to 70% of all children are much different than in a state serving 15 to 45%, yet the need is just as great when consideration is given to the individual child. Rigid regulations deter rather than promote expansion.

If we are to encourage large schools or districts to provide additional lunches, they must be assured of sufficient funds being available to permit expansion consistent with the ability of the board of education to develop programs without being skeptical regarding availability of funds for completion of the project objectives.

We must be aware of the fact that districts across the country operate on exceedingly tight budgets. We seldom find a district with excess funds which they are able to divert to handle unforeseen contingencies that may arise. Their experience with federal assistance makes them extremely conservative in planning programs of the magnitude that we contemplate. This is especially true of *crash* or experimental programs.

To achieve best results advanced appropriations keyed to current budget making are essential.

It is my judgment that the realization of our ultimate objectives could have moved much faster had we been able to assure sponsors adequate support to enable them to implement their programs properly and expand them to the fullest extent of their ability. As an example, fiscal year 1969 estimates of potential operations as reported by states and territories reflect this uncertainty and conservatism. Had the state directors been able to engender in local boards a feeling of optimism and security we could undoubtedly have involved students in a nutrition program utilizing \$85 to \$100 million instead of \$41,839,000 or less. Even now we are handicapped in implementing expansion because we are limited by provisions of the continuing resolution process. It appears that we will be well into the current school year before we know for a certainty this year's appropriation and level of support. Expansion is limited by and dependent on assurance of funds to carry out planned programs.

Under the provisions of letters of credit the appropriation is drawn as earned and needed. To hazard the curtailment of the programs because of uncertainty of funds is inhuman when the health of children is at stake. A few excess dollars available if needed is much more defensible than hungry children denied food

because of our fear of appropriating a little more than will be used. A conservative budget and a hesitancy to move forward aggressively will extend our failures for another twenty-five years.

Conservatism at any level is hard to justify when the health of our nation's children is threatened. As mentioned previously, we are currently operating on a level of support as established last year. Everyone is expecting us to increase services to needy children, yet as a matter of fact there is no additional money available as of this date to expand over last year's level of performance. The degree of expansion will be reflected by availability of additional funds, state and federal, to provide for the additional services needed. These funds must be known when budgets and programs are being planned in March and April of the previous fiscal year.

States are facing legal action and threatened boycotts. It should be apparent from past experience that advance funding, state support of programs, consideration in writing regulations to allow for differences between states, and an appropriation to allow for expansion are essential if we are to even partially achieve the objectives as stated by the President and the illustrious congressmen.

Our problem has been and still is that our speeches are not matched with dollars. I hasten to add that in some instances the will to win regardless of the dollars is somewhat disheartening. The establishment of a division of Food and Nutrition Service in the U.S. Department of Agriculture is encouraging.

By way of summary, the following items are extremely important:

1. Authorize appropriations one year in advance.
2. Carry over of funds from one fiscal year to another.
3. Substantial increase in nonfood assistance for new programs and for replacement of obsolete equipment in current programs.
4. Provide substantial administrative expenses to states without the current minute and time-consuming accountability and verification of need.
5. State matching funds which will give every state responsibility and a partnership in providing improved nutrition for its children.
6. Clarification of a "free and reduced-price lunch." Current provisions and regulations are impossible at the school level.
7. Section 11 Funds must be keyed to the needy child, not just to such a child provided he is in a disadvantaged area or ghetto.
8. Flexibility at the system level in use of funds to expand programs.
9. Emphasis on nutrition education of children, and professional development of school food service personnel.
10. A system of accountability which will assure prompt reporting by states, thus making possible improved management of funds at the state and federal levels.

These provisions, coupled with the enthusiasm and devotion of current food service personnel working under the direction of state and local boards of education, will hasten the day when hunger will be eliminated in America. Senate Bill S2548 contains much needed and desirable legislation.

MR. PERRYMAN. May we have Mr. Howard Briggs next?

STATEMENT OF HOWARD W. BRIGGS, DIRECTOR, FOOD SERVICE DEPARTMENT, DETROIT PUBLIC SCHOOLS, DETROIT, MICH.

MR. BRIGGS. I am Howard Briggs, director of the Detroit School Food Service Department, Detroit, Mich.

The Detroit public schools are interested in providing food to children, especially children located in poverty areas of our city. Poor nutritional habits are a problem in all of our schools, but we feel that the problem is most acute in poverty areas. We are willing to endorse any program that will allow us to provide this much needed food service.

Senate bill 2548 indicates a movement in the right direction. There are many sections of this bill that we are in complete agreement with. There are other sections that we take some issue with and there are areas of need that have not been included.

We very much favor the advanced funding in the carryover of funds from one year to the next. We feel this would allow us to do a

better job of planning and the carryover of funds would allow us to meet our plans even though we have been delayed either through delayed construction or delivery of equipment.

The increased appropriation to nonfood assistance—this is an area that we are very much in favor of. However, we would like to see this section expanded or a new section included to provide construction or remodeling funds.

In Detroit, the majority of our schools are 40 years or more old. These same schools are generally the schools that are in the poverty areas; the vast majority of them are located there. We are doing some new construction, but our old buildings are still there. They were not built at a time when school lunch was considered as part of the program. They lack facilities. In some cases, if they had kitchen facilities, because of overcrowded conditions, this space was remodeled for classroom space. And we feel that in some cases, to tear down a wall or to put up a wall would facilitate service in these buildings, or the possibility of moving in a portable unit for serving and dining space would be beneficial. Again, we would expect that the State office or State administrative agency would be required to approve our plans in advance so that there would be some control.

We feel in section 11, we are very much in favor of the increased appropriations, but we feel there would be a more equitable distribution of funds to the States if the formula for distribution were based on potential, as was the distribution of section 32 transfer funds.

We further believe that there is some justification in some school districts for financial assistance to provide free lunches of up to 100 percent of the cost of the lunch, as opposed to 80 percent.

During the 1968-69 school year, we had 74,902 children, aged 5 to 17, who qualified under Public Law 89-10, title I. During the same period of time, we provided an average daily participation of 8,000 free lunches a day to needy children. This year, primarily because of increased Federal funds, we hope to increase this number to 12,000 per day, at least 12,000; possibly more if we can. It represents an increase of 50 percent, but it is still a long way from meeting the need of the Detroit public schools.

One of the big problems we have in Detroit would be the lack of funds, not just the food service department, but for the school district in the whole. Two years ago, the board embarked on a course of deficit financing to meet its needs. We are doing the same thing again this year. By the end of June 1970, the deficit is estimated to be \$25 million to \$30 million. Under these kinds of conditions, it is necessary for the board to establish priorities. It means anything that costs money must be looked at very carefully. To provide food service, even if the free lunches are provided for, it still costs the school district some money. We are estimating that the board provide support to the food service department ranging anywhere from \$700,000 to just under a million dollars a year. So that Detroit is interested. But it is difficult with the lack of funds.

Five years ago, we were serving 23,000 meals per day. Last year, we served 60,000 meals per day. We have added 75 programs in the last 5 years. Sixty-six of these programs were located in poverty areas of our city. We still have about 70 schools located in poverty areas that we must provide service to. But to provide school food service to the 70

schools and the needy children that we are not providing meals, we feel it will be necessary to double our achievement of the past 5 years. This is true in the effort and in money.

We believe that Senate bill 2548 provides for a more realistic level of financial support for school food service programs along with increased flexibility. It further provides for research and training that will be needed if school food service programs are to expand as rapidly as is needed. We also believe the advisory council will assist in documenting present and future needs.

We believe that we have sufficient manpower in the Detroit public schools or that we can acquire it to develop the needed food service programs. We have a staff of dedicated people that are interested in providing services to children. We have in the past generated the vast majority of the financing needed to provide and expand our food service programs. Unfortunately, we seem to have reached an impasse in securing the funds necessary to complete the task that we started many years ago.

(The prepared statement of Mr. Briggs follows:)

The Detroit Public Schools are interested in providing food to children, especially children located in poverty areas of our city. Poor nutritional habits are a problem in all of our schools, but we feel that the problem is most acute in poverty areas. We are willing to endorse any program that will allow us to provide this much needed food service.

Senate Bill 2548 indicates a movement in the right direction. There are many sections of this bill that we are in complete agreement with. There are other sections that we take some issue with and, there are areas of need that have not been included.

We are in complete agreement with Section 1 which provides for the appropriation of funds a year in advance and for a carry over of funds from one fiscal year to the next. This would allow us to make our plans a year in advance without having to make last minute changes due to a cut-back in appropriations. It would insure better utilization of the funds that are made available under this act. The carry over of funds would insure the fulfillment of plans interrupted, or delayed, by factors outside the school lunch program, such as, delayed construction or delivery of equipment.

We are in agreement with the provisions of S. 2548 providing for increased appropriation to Non-Food Assistance. However, we would like to see this section expanded, or a new section included, to provide construction or remodeling funds.

The majority of the schools in Detroit are 40 or more years old. We have three schools currently in use, which the original building was constructed ninety (90) years ago; eleven that are 80 years old; 14 that were built 70 years ago; 33 that are 60 years old; 76 that were constructed 50 years ago; and 78 that were built around 1929 and are 40 years old. The vast majority of schools that are located in our poverty areas, without food service, are these older buildings. Providing food service to these buildings will require extensive remodeling or the use of a portable building to provide adequate space for the serving and eating of meals. We would expect that the state administrative agency would be required to grant advance approval for the use of funds for this purpose.

The state matching requirements, as proposed, are more realistic than the existing requirements. The transition period provided should allow most states to comply without too much difficulty.

The changes that have been proposed in Section 11 of the National School Lunch Act are far reaching, and should go a long way in providing lunches to needy children. We feel that there would be a more equitable distribution of Section 11 funds to the states if the formula for distribution was based on "potential" as was the distribution of the Section 32 Transfer funds. Further, we believe that there is justification in some school districts for financial assistance, to provide free lunches, of up to 100% of the cost of operation.

During the 1968-69 school year, we had 74,902 children, aged 5-17, who qualified

under Public Law 89-10, Title I. During the same period of time, we served a daily average of 8,000 free lunches to needy children. This year, primarily because of increased federal funds, we will increase the number of free lunches, served to needy children, to at least 12,000 per day. We recognize that, even though this represents an increase of 50%, it does not meet the needs of Detroit. For the past two years, and again this year, the Board of Education has embarked on a course of deficit financing to meet its needs. At the end of this school year, the district's deficit will be an estimated 25 to 30 million dollars. Increasing the number of free lunches served to needy children, is one of many problems presently confronting the Detroit Board of Education in its goal to provide an integrated quality education for the students in the Detroit Public Schools.

In the last five years, we have increased participation of the Type A lunch from 23,000 per day to 60,000 per day. We have added the lunch program to seventy five locations, sixty six of which were located in poverty areas. We have 178 schools located in poverty areas and we are providing food service to 108 of these schools. About 130 of the 325 Detroit schools are without food service. Seventy of these schools are located in poverty areas.

To provide food service to these seventy schools and the needy children that we are presently not providing free meals, it will be necessary for us to double our achievement of the past five years. This is true in effort and in money.

We believe that we have sufficient manpower in the Detroit Public Schools, or can acquire it, to develop the needed food service programs. We have a staff of dedicated people that are interested in providing services to children. We have in the past, generated the vast majority of the financing needed to provide and expand our food service programs. Unfortunately, we seem to have reached an impasse in securing the funds necessary to complete the task that we started many years ago.

Senate Bill 2548, provides for a more realistic level of financial support for school food service programs along with increased flexibility. It further provides for research and training that will be needed if school food service programs are to expand as rapidly as is needed. We also believe the advisory council will assist in documenting present and future needs.

Mr. PERRYMAN. Mr. O'Hearn.

STATEMENT OF THOMAS P. O'HEARN, CHAIRMAN, LEGISLATIVE COMMITTEE, AMERICAN SCHOOL FOOD SERVICE ASSOCIATION, AND DIRECTOR, FOOD SERVICES, ARCHDIOCESE OF BOSTON, DEPARTMENT OF EDUCATION, BOSTON, MASS.

Mr. O'HEARN. Mr. Chairman, Mr. Thomas O'Hearn, chairman of the legislative committee, American School Food Service Association, and director of food services for the Archdiocese of Boston, department of education.

Mr. Chairman and members of the committee, I am most grateful for the opportunity of appearing before you and your committee. My panel associates are most distinguished, and I am proud to be associated with them in a common effort to alleviate the physical plight of an estimated 7 million of our Nation's schoolchildren. Well-documented nutritional evidence is available, indicating this estimate to be reasonably accurate. I would also like to thank Dr. Perryman for his efforts in arranging for our appearance here today.

For quite some time now, we have all been reading headlines to the extent that there is hunger in the United States, referring to Americans as the "Hungry Americans," and poor children can't have school lunches, and so forth. As a result of this, public opinion seems to be placing the blame on this Congress for not having succeeded by now in closing this nutrition gap. This disturbs me because, realistically, the Congress should not be expected to accept this responsibility alone.

When I think back, Mr. Chairman, to your efforts and the efforts of

other Senators and Congressmen in this area, it vindicates my position in this respect completely.

I do not take this position in a patronizing way, but because of a strong feeling that a majority of us responsible for school food services should have, long before now, communicated to the Congress in a more dramatic way the inevitability of our present crisis. We should have long ago acquainted you folks in a dramatic way with the inevitability of the crisis we are facing now. We have all been attempting to solve problems by small measures when a full measure of assistance would have been the ounce of prevention initially needed, rather than the pound of cure essential now in our common fight to alleviate the plight of all of our undernourished children.

In my written testimony, I refer to the inadequacy of the \$43 million we had last year. I think that fact has been pretty well established. It merely enabled us to scratch the surface to reach some of the children that showed visible signs of malnutrition. I think it is well recognized that much more money is needed, so I am going to skip in my oral comments some of this technical testimony.

It is realized that about 3 million more children than we have been reaching are in need of help nutritionally. It is also realized that most of these deprived children, at least many of them, reside in our large urban areas and are being educated in antiquated school buildings, as indicated by the gentleman from the city of Detroit. Problems relating to building replacement, redistricting, and the locating of central kitchen facilities contribute to an unavoidable slow rate of progress in the extension of essential food services in most of these areas.

In the city of Boston, in attempting to comply with the State of Massachusetts racial imbalance law, the city has run up against so many obstacles in this redistricting problem that their whole new building construction program has been slowed down considerably. The city of Boston School Department, School Committee, has voted—they did so 3 years ago—that no new school building was to be constructed without that building containing food service facilities. They have in the formulative stage plans for four centralized kitchens and are entertaining thoughts of trucking lunches from those four central locations to all of the schools in the city. Whereas there are 143 schools in Boston, I sadly state that only 13 of them during this past year have been reached with these essential food services. They do have a long way to go and, sincerely, I believe that they are minded in the direction of making available these meals to all of the children.

We have to reach out and service 3 million additional children in the Nation if our common objectives are to be reached.

In my next paragraphs, I refer to the fact that in the Commonwealth of Massachusetts, we have 600 public and parochial schools in 29 cities and towns in which lunches are not available. It can be seen from this information that we still have a long way to go and a whole lot more money is needed. Rather than to add any more comments to those made by Mr. Ashby and Mr. Briggs, I am going to waive that.

We have been invited here today, Mr. Chairman, and members of the committee, to express our views on the provisions of S. 2548 introduced by Senator Talmadge. This legislation in providing for increased appropriations and calling for greater contributions by the State basically represents an enlightened approach and, if enacted,

would provide the Nation temporarily with a most formidable weapon to use in its fight to eliminate malnutrition among children. My temporary qualification is premised on a conclusion that moneys in addition to those called for in this bill will ultimately become necessary, if the Congress should decide in its wisdom to provide a full measure of assistance.

Since 1946 a provision—the area that I am reaching into now I consider most vital—since 1946, a provision of the regulations issued under the National School Lunch Act has established a maximum reimbursement rate of 9 cents on a type A lunch. In compliance with the intent of the matching provisions of the act a few States such as New York, Massachusetts, Utah, Louisiana, Vermont, and New Jersey are presently appropriating moneys for school lunch program purposes. New York and Massachusetts laws stipulate that moneys appropriated may not exceed amounts needed to maintain reimbursement rates at the present maximum allowable rate of 9 cents per lunch. It is very difficult for many of us to understand why this maximum rate has not been periodically adjusted to compensate for the significant food cost increases which have taken place since 1946. To correct this inequity, I strongly recommend that the following amendment be inserted in section 7 of S. 2548 at item (b) and that the succeeding items in this section be relettered.

Now, I have attached to my written testimony the suggested amendment. But it gives permission or it makes it mandatory on the part of the USDA and their district offices to adjust these maximum rates in accordance with flexible food costs.

Now, the key to this whole thing is—and what makes the suggested change here important—presently 16 percent of the children served under the School Lunch Act, which I believe you fathered, Senator, are served on a free or a reduced-price basis. The question comes up as to how much longer that original school lunch program can carry this free or reduced-cost load without help—food costs have increased—without raising their prices inconsistent with the ability of the children to pay for the lunches.

Now, by permitting or by continuing to authorize Agriculture to maintain that reimbursement rate at 9 cents, we are in effect negating the intent of Senator Talmadge to enlarge the matching provisions in his bill, and properly so, because these States that are already contributing money are not permitted to contribute additional moneys in excess of 9 cents. They are not permitted to contribute additional moneys to the program to take up the gap caused by increased costs.

So what's your route going to be? It is evident that hundreds of thousands of children are going to be priced out of the program and that 2½ million more children that have been getting these free lunches under the original national school lunch program are going to become the responsibility of the section 11 provisions of Senator Talmadge's bill.

I do not believe, Senator, that in projecting the amounts there, you have considered the involvement of possibly an additional 2½ million children. Now, these numbers of children can be minimized if we are given flexibility in these maximum reimbursement rates per se. If the amendment is adopted and reimbursement rates are based upon 50 percent of the cost of the food that goes into the meal, why, then,

these States that are contributing moneys will almost automatically have to contribute amounts, ample amounts, to make up to whatever the rate has been arrived at.

I hope I have been able to get across the message of this shift here: Unless you have a change in the maximum rate, you are going to have an additional responsibility for the 21½ million children who are served free and reduced-price lunches under the national school lunch program as it stood.

It should be pointed out, gentlemen, at this time that this suggested formula for establishing a realistic maximum rate would not in any way commit the Congress to an additional section 4 appropriation. It would, however, permit the States to appropriate voluntarily additional moneys to the program in conformity with the suggested matching provisions of S. 2548.

I have probably talked enough, so I am going to say, Mr. Chairman, and members of the committee, I urge you to recommend favorably the passage of S. 2548 subject to the amendment which I have recommended. The enactment of this legislation by the Congress would contribute immensely to the future good health of millions of our Nation's children. We cannot afford to gamble with the future for too soon it will be the past.

I took that quote out of a Boston magazine by a fellow named George Santayana. I have not been able to find out yet whether he is an architect or a poet, but it sounded very good.

Thank you.

(The prepared statement of Mr. O'Hearn follows:)

Mr. Chairman and Members of the Committee: I am most grateful for the opportunity of appearing before you and your Committee. My panel associates are most distinguished and I am proud to be associated with them in a common effort to alleviate the physical plight of an estimated 7,000,000 of our nation's school children. Well documented nutritional evidence is available indicating this estimate to be reasonably accurate. I would also like to thank Dr. Perryman for his efforts in arranging for our appearance here today.

For quite some time now various news media have been reporting these estimates under a variety of distressing headlines such as "Hunger U.S.A.", "The Hungry Americans" and "Poor Children Can't Have School Lunches". Unfortunately public opinion seems to be placing the blame on the Congress for not having succeeded by now in closing this apparent nutrition gap. This disturbs me, because realistically the Congress should not be expected to bear this responsibility alone.

I do not take this position in a patronizing way, but because of a strong feeling that a majority of us responsible for school food services should have, long before now, communicated to the Congress in a more dramatic way the inevitability of our present crisis. We all have been attempting to solve problems by small measures when a full measure of assistance would have been the ounce of prevention initially needed, rather than the pound of cure essential now, in the fight to alleviate the plight of all of our undernourished children.

During the past school year the Congress provided a small measure of assistance in appropriating an additional \$43,000,000 for use by the States in initial attempts to feed the most needy children. Within the limitations imposed by the amount of the appropriation only limited progress was made. Greater advances must be made and we have a responsibility here today, Mr. Chairman and Members of the Committee, to acquaint you not only with what has been done, but, as well, with some idea as to what additional financial assistance is needed to complete the job.

Prior to the availability of the additional \$43,000,000 only about 2.5 million needy children had been receiving free or reduced priced lunches each day. During the latter part of the 1968-69 school year this number increased to 4 million children per day. Had these additional children been receiving lunches

during the first part of the last school year an appropriation of \$77,000,000 would have been necessary.

Approximately 3,000,000 additional children must be served each day, if our common objectives are to be reached. Many of these deprived children reside in large urban areas and are being educated in antiquated school buildings. Problems relating to building replacement, redistricting and the locating of central kitchen facilities contribute to an unavoidable slow rate of progress in the extension of essential food services in most of these areas.

The Commonwealth of Massachusetts, for example, still has at least 600 public and parochial schools in 29 cities and towns in which school lunches are not available. Although authorities in these areas may be interested in installing necessary facilities they are unable to do so due to a lack of funds. Inflated general education costs appear to be exhausting available local tax dollars. An estimated \$4,000,000 would be needed to install food service equipment in these schools.

During the past school year Massachusetts received an allocation of \$717,292 out of the \$43,000,000 appropriated on an emergency basis. To reach all visible needy children during the present school year a minimum allocation of \$1,800,000 will be needed. An increased allocation of equipment monies for distribution by the Commonwealth to needy cities and towns is also essential on an equitable matching basis. Although these statistics apply only to Massachusetts, I am confident that they reflect the situation as it exists, with slight variations, in all other States. It is only with this thought in mind that they have been presented.

We have been invited here today, Mr. Chairman and Members of the Committee, to express our views on the provisions of S. 2548 introduced by Senator Talmadge. This legislation in providing for increased appropriations and calling for greater contributions by the States basically represents an enlightened approach and, if enacted, would provide the nation temporarily with a most formidable weapon to use in its fight to eliminate malnutrition among children. My temporary qualification is premised on a conclusion that monies in addition to those called for in this bill will ultimately become necessary, if the Congress should decide to provide a full measure of assistance.

Since 1946 a provision of the regulations issued under the National School Lunch Act has established a maximum reimbursement rate of .09 cents on a Type A lunch. In compliance with the intent of the matching provisions of the Act a few States such as New York, Massachusetts, Utah, Louisiana, Vermont and New Jersey are presently appropriating monies for School Lunch Program purposes. New York and Massachusetts laws stipulate that monies appropriated may not exceed amounts needed to maintain reimbursement rates at the present maximum allowable rate of .09 cents per lunch. It is very difficult for many of us to understand why this maximum rate has not been periodically adjusted to compensate for the significant food cost increases which have taken place since 1946. To correct this inequity, I strongly recommend that the following amendment be inserted in Section 7 of S. 2548 as Item (b) and that the succeeding items in this section be re-lettered: (See Appendix)

In my opinion failure to adopt this Amendment will result in hundreds of thousands of children being deprived of needed lunches unless they become an additional Section 11 responsibility. Approximately 16% of our needy children presently are being provided for under this program. It is evident that the indicated funding provisions of S. 2548 are not intended to assume this additional burden. In addition, if States continue to be restricted by this unrealistic maximum rate, many more worthy children may well be priced out of the program.

It should be pointed out at this time that this suggested formula for establishing a realistic maximum rate would not in any way commit the Congress to an additional Section 4 appropriation. It would, however, permit the States to appropriate voluntarily additional monies to the program in conformity with the suggested matching provisions of S. 2548.

Mr. Chairman and Members of the Committee, I urge you to recommend favorably the passage of S. 2548 subject to the Amendment which I have recommended. The enactment of this legislation by the Congress would contribute immensely to the future good health of millions of our nation's children. We cannot afford to gamble with the future for too soon it will be the past. Thank you very much.

APPENDIX

Section 8 of the National School Lunch Act is hereby amended by inserting the following sentences immediately after the first sentence in this Section.

The Secretary in establishing the maximum rate of reimbursement which states may pay schools for meeting the prescribed minimum nutritional requirements shall take into consideration the actual national average purchase cost of food necessary to provide such meals. However, in no event shall the Secretary set the maximum rate of reimbursement at less than 50% of the current national average cost of food per meal in each fiscal year. Nor may the states or USDADO wherever applicable reimburse schools in an amount which is in excess of this rate times the number of meals served or the actual cost of food purchased whichever is the lesser. Except that in schools meeting the established criteria for need the Secretary may establish a rate in excess of 50% of the national average cost of obtaining food.

Mr. PERRYMAN. Mr. Page.

STATEMENT OF DAVID R. PAGE, DIRECTOR, DIVISION OF FOOD SERVICES, BOARD OF EDUCATION, ST. LOUIS, MO.

Mr. PAGE. I am David Page. I am director of the division of food services of the board of education of the city of St. Louis.

I have a prepared text here. I would appreciate this being made a matter of record. I thought that in line with Dr. Perryman's suggestion and yours, Mr. Chairman, we would just highlight these things that are in our statement here.

Our statement starts off by giving you some historical facts on the operation of school lunches in the city of St. Louis. We have had school food service programs in St. Louis since the turn of the century at the high school level. However, in the elementary schools, we only had food service in one-third of the schools in 1967, and about that time, we like to say, we invented a program of nutrition service to all schools. This is now installed in all the city schools in St. Louis.

Prior to the installation, one of three elementary schools had no food service. We now have food service in all schools in the city.

As a part of my testimony here today, I would like to present to you, Mr. Chairman, and other Members of the Senate here, a copy of our most recent publication called "St. Louis Score Card." If this looks to you like a baseball lineup, that is what it is. It is a box score of conditions in the St. Louis schools. This typifies the plight of the large cities and cites our activities in St. Louis. Score Card outlines in detail the activities going on in St. Louis in trying to solve some of our problems and our new elementary lunch programs outlined and depicted in section 6, pages 22 and 23.

Our lunch is called, in order to have a name on it and to have good public acceptance in the city of St. Louis, Vit-A-Lunch. It is a cold lunch. It is completely nutritious and it is geared to type A lunch. Pictures are shown in the book of children eating the lunches, assembly lines producing lunch; lunches packed on racks to the roof of the kitchen; trucks making deliveries, volunteer mothers serving lunches, and some 400 or 500 volunteers in St. Louis help in this capacity every day.

Two other points are made in Score Card that I want to call to your attention. They are both in section 1, page 5. One indicates that 70 percent of the children in St. Louis live in neighborhoods classed at the poverty level. The second point I make to you in the Score Card is indicated in section 1 on page 5. It says, "The poverty plight is emphasized as follows: In 1966"—and I am sure it has changed since then—"St. Louis, with 15.5 percent of its State's total population, 25.5

percent of all Missouri recipients of public assistance, and 37.1 percent of the recipients of aid for dependent children."

The special assistance funds provided by the Perkins amendment to the act, which incidentally were not available until December 1, 1965, helped us considerably in providing more lunches to children. Needy lunches in our system have increased from an average of 803 per day in 1966 to 11,000 per day in 1969, with a conservative estimate on my part of 15,000 to 18,000 free or reduced-price lunches in 1970.

Free and reduced-price policy is indicated in our testimony. I would like to indicate to you that we do not feel that there is identification or discrimination. Everyone uses the same cards for their lunches; the buyer's full price, the buyer's reduced price, and the reduced-price lunches. Your legislation, we feel, provides and we need funds as early as possible in order to operate effective food service programs. Additional funds are needed for needy lunches. In addition to operating funds in needy areas—and this is excellent and certainly is needed—and as Mr. Briggs said, up to 100 percent in some places in lieu of the 80 percent, because this is difficult when funds are short in a school system.

Funds for nonfood assistance would help us to be more efficient and would add a variety to our menus. Nutrition expertise would be extremely helpful and would benefit all, the needy as well as the affluent. Affluence in itself does not assure good nutrition, as you know.

The National Advisory Council—we certainly are in favor of this. However, in line with the baseball vernacular. I am not sure I agree with the full lineup of the organization there. Particularly I would like to have that food management specialist spelled out a little more in detail.

As a matter of information and a matter of record on our poverty plight on free and reduced-price lunches, they have reduced from 4 percent of our lunches in 1963 to 61 percent of our lunches in 1969. The number of lunches served at the elementary school level in St. Louis have increased from 870,000 in the same period to 2½ million lunches for the year.

St. Louis' program was limited to a type A meal in the elementary schools last year and it is now in all schools. We served a type A lunch in two schools experimentally in 1969 for the last 2 months and 35,000 additional needy meals were distributed in 8 weeks, approximately 1,000 per day.

We put a name on our lunch in the high schools. We called it the Gateway Special, kind of in keeping with the Gateway arch that is down on the riverfront in St. Louis. We like to say to parent groups it is a gateway to good nutrition, gateway to a good food bargain. And we hope that this name, Gateway Special, will catch on just as well as has Vit-A-Lunch in our community.

I concluded my comment with this, Mr. Chairman: Sufficient funding to provide lunches for children in the hands of school lunch directors will mean more good sound programs for the benefit of all boys and girls at all levels. All of this will help us to narrow and, hopefully, close the gap between the 50 million eligible schoolchildren in the Nation and the 20 million now participating in school lunch. As this nutritional gap is narrowed and closed, we then will be assured

that effective steps are being taken so that all children of the Nation are given adequate nutrition.

Thank you.

(The prepared statement of Mr. Page follows:)

Mr. Chairman and Members of the Committee, may I express my pleasure and appreciation to you for the opportunity to offer my viewpoint on Bill S2548 and how it will affect the lunch program in the Public Schools of the City of St. Louis.

We have been offering food service in the St. Louis schools at the high school level since the turn of the Century. Food services in our elementary schools have been rather recent. The first few elementary schools to offer food service were opened during World War II. The number of elementary schools offering food service in the spring of 1967 was 55 of some 170 schools. This meant that only one in three schools at the elementary level were offering nutritiously adequate noonday lunches. Therefore, no matter how hungry a child might be, in two out of three schools, he had no chance for food service.

Much has been written and discussed about the inability of the hungry child to learn. As our Superintendent of Schools, Dr. Kottmeyer, stated to the House Education and Labor Committee on January 28, 1969:

"The schools cannot escape the problems of feeding hungry children, because hungry malnourished children are unable to learn and the best teaching will be wasted on them unless they are fed."

A sense of justice prevails and, therefore, our desire in St. Louis to offer a uniform and nutritiously adequate noonday lunch in the 115 schools without service and to offer the same service in all 170 schools.

With this in mind we created a packaged lunch called Vit-A-Lunch and applied this lunch universally in all St. Louis Public Elementary Schools—the lunch meets Type A meal standards. The program started in September 1967 and the whole city was covered by the spring of 1969.

As a separate part of my testimony, I would like to present to you Mr. Chairman, with the compliments of our Superintendent the most recent publication of our St. Louis School District "St. Louis—Score Card"—a report on the condition of the schools—typical of the plight of the large cities of America. This cites the activities in trying to solve the problems confronting an urban school system. This publication outlines in detail many problems of a typical large city and in Section VI, pages 22 and 23, pictures of our Vit-A-Lunches are displayed, i.e., children eating the lunches; assembly lines producing lunches; lunches packed on racks almost to the roof of the kitchen; trucks making deliveries and volunteer mothers helping children to eat lunches.

St. Louis, like many large cities, have many old school buildings in areas where there are many poor families—a quotation or two from "Score Card" is as follows:

"Some 70 percent of the children in the St. Louis Public Schools live in neighborhood classed as poverty areas by the federal government. The few remaining areas of affluence in the city have exceptionally small public school enrollments".

(See Section I, page 5)

"St. Louis poverty plight is further emphasized in the Gladstone Report to the City Plan Commission. In 1966, the city with 15.5% of the total population of the State of Missouri, had 25.5% of all Missouri recipients of public assistance and 37.1% of the recipients of Aid for Dependent Children".

(See Section I, page 5)

Vit-A-Lunch assures us of sound basic nutritious lunches being available to all of these children in all of these schools on an equal basis.

Special assistance funds received last school year have helped us in the expansion and development of our needy lunch program. These funds were not available until December 1, 1968, and until that time Title I funds, sorely needed for the improvement of literacy skills in our poverty schools, were hesitantly and reluctantly used for this purpose. The availability of "special assistance" has helped us to reduce our Title I bill for needy lunches.

Needy lunches in our system have risen steadily over the past several years as indicated in the following chart:

- 1966, 803 per day average.
- 1967, 1,171 per day average.
- 1968, 5,475 per day average.
- 1969, 10,800 per day average.
- 1970, 15,000 per day average.

Our policy on needy lunches is as follows :

Children on ADC or Food Stamp Program, or equally as poor; in elementary schools free if three or fewer are enrolled in one school; four—\$1.00 per month for the family; five—\$2.00 per month for the family; six—\$3.00 per month for the family; and so forth for each child above three determining the family rates. In high schools the needy lunch is 10¢ per child. In all schools the principal has the privilege of issuing free lunches to any child in dire circumstances.

There is no identification or discrimination between those who pay full prices, 25¢ in elementary schools and 40¢ in high schools, and those who eat at the needy rates. All students use the same meal cards, those who pay and those who eat free or at reduced prices.

Your legislation S2548 would provide additional funds for operating expenses in needy schools and this would be helpful. At present, funds are limited to food purchases and non-food assistance (equipment cost). Operating funds to pay salaries of attendants for distributing lunches, in our opinion would be helpful. As of now a very limited number of teachers aids in Title I schools provide this distribution service and additional help is needed. At the same time this would relieve Title I funds of this financial burden.

Additional funds for equipment would be useful in making our preparation and serving more efficiently and to add variety to our menus, thereby increasing participation.

Employment of experts, specially trained in child nutrition, for assistance at the state and local level would be meaningful in the dissemination of nutrition information to principals, teachers, parents and the general public—making all aware of the importance of good sound basic nutrition and how important it is to the child's ability to learn. This would be extremely helpful as it would be beneficial to all children. The needy as well as the affluent would benefit from good nutrition education.

As a matter of information to the committee, listed below is the number of elementary meals served in the St. Louis Public Schools for the last five years and along with this is a listing of the number of free and/or reduced priced meals served:

Year	Number of meals served	Free and/or reduced price	Percent
1963-64.....	871,000	36,000	4.13
1964-65.....	1,209,000	226,000	18.69
1965-66.....	1,778,000	465,000	26.15
1966-67.....	1,697,201	536,054	31.58
1967-68.....	1,570,598	610,554	38.87
1968-69.....	2,435,648	1,497,810	61.47

The total number of nutritious meals has increased from less than 900,000 in 1963-64 to 2,435,648 in 1968-69 and will further increase in 1969-70 with expected increased participation. With the adoption of "Special Assistance" the nutritiously adequate meal has now been extended this September to all high schools which traditionally served all foods a la carte. This will now further increase the figures shown above for 1969-70 assuring us that all children who are in need are receiving a sound nutritious noonday lunch. (In two experimental high schools, 35,000 additional needy lunches were distributed between March 17th and June 10th, 1969—this in addition to the number listed above for elementary schools.)

Any help that can be extended is needed, financial help of any kind will permit us to extend services to more and more children. All large city school systems in the nation are suffering from lack of tax revenue to support schools. The cost of operating large school food services programs in any city is a drain on the already short tax funds. We, therefore, have no choice other than to seek federal help, this being the area where the majority of our tax dollars are routed. Additional special food service assistance to feed needy children will assure us of adequately caring for the "child too hungry to learn".

Sufficient funding to provide lunches for children in the hands of school lunch directors will mean more good sound programs for the benefit of all boys and girls at all levels. All of this will help us to narrow, and hopefully close, the gap between the 50 million eligible school children in the nation and the 20 million now participating in school lunch. As this nutritional gap is narrowed and

closed, we then will be assured that effective steps are being taken so that all the children of the nation are given adequate nutrition.

The CHAIRMAN. Off the record.

(Off-the-record discussion.)

The CHAIRMAN. Senator Spong.

STATEMENT OF HON. WILLIAM B. SPONG, JR., A U.S. SENATOR FROM THE STATE OF VIRGINIA

Senator SPONG. Mr. Chairman, I wish to speak in behalf of S. 2548 and to commend Senator Talmadge for introducing this splendid measure. I have a statement I would like to submit in its entirety and I will speak from it.

We do not have all of the medical and scientific knowledge about hunger and malnutrition which we should have. I do, however, have access to two surveys conducted in Virginia. I think they would be of benefit to this hearing and wish to call them to your attention.

The first study was conducted by the University of Virginia Hospital Clinic, which serves an 11-county area in central Virginia. The survey covered 1,143 children who came to the clinic, that is, children who came for medical care of some type and children who were mostly from low-income families. Of the children studied, large percentages had had less than the dietary requirements, as prescribed by the National Research Council in 1964, on the day preceding their clinic visit. While some allowance must be made for daily variations in diet, I believe the findings of the study are still revealing. I have a chart on the survey there, Mr. Chairman. For the 1 day, 49 percent of the children had had less than the recommended daily requirement of milk. The percentages of children receiving less than the recommended daily requirements in other categories were as follows: 37 percent in meat, 44 percent in green and yellow vegetables, 63 percent in citrus fruits, and 27.5 percent in other fruits. Limited though the study is, it suggests serious deficiencies in many children's diets.

Deficiencies can, of course, be found in the diets of children in all economic strata. For those in the higher strata, education is generally the answer, but for those in the lower brackets, education and assistance are often necessary if adequate nutritional levels are to be obtained. One of the major assets of the school lunch program is that it can provide a nutritional meal for all schoolchildren, if those who can afford it can be induced to participate and if those who cannot afford it can be assisted in such a way that they can participate.

The second study, as the first, has its limitations, but it, too, is revealing. It involved only children who were seen in a clinic in the Appalachian region of Virginia and it is based solely on anemia rates. Of those children studied, infants had a high anemia rate of about 50 percent; the rate for the preschool child was slightly less, averaging about 43 percent; and the rate for the school-age child dropped significantly—to 7.5 percent for the 6- to 9-year-olds and to 2.5 percent for the 10- to 14-year-olds. It is theorized that Headstart, school lunch programs, and school breakfast programs account at least partially for the dramatic decline in the rates for school-age children.

Dr. Thomas McDonald of Grundy, Va., who conducted this study, is currently conducting a more controlled study. Using a sampling of

first-graders from all income levels, he is checking specifically for iron deficiency anemia and protein deficiencies. The initial results of the second study generally bear out the first findings regarding preschool children, with the anemia rates only a few points lower. If followup tests, which are scheduled for next spring, substantiate the data regarding anemia rates of school-age children, then we should have additional evidence of the value of child nutrition programs. Furthermore, it may suggest that a child's nutrition can be improved without medication and without changing domestic dietary habits. While the latter may be desirable in some instances, it is clearly a difficult and long-range approach to overcoming dietary deficiencies.

If we assume that there are deficiencies in many children's diets—and there are supporting studies in addition to the one I mentioned—and if we assume that school lunch programs can substantially benefit children, then the legislation before his committee takes on a new importance.

I am pleased to note that when the committee on school lunch participation published its study of the school lunch program, "Their Daily Bread," only one-fifth of the States had higher participation rates than Virginia, which recorded 55-percent participation.

By 1969, the participation rate had risen to 57.4 percent; 574,600 lunches were served daily, an increase of more than 41,000 over the previous year.

Still, much remains to be done. Many children do not participate. While 86,541 free and reduced-price lunches were served in Virginia in fiscal 1969—15 percent of all lunches served—there were more than 186,000 children qualifying under the formula for title I of the Elementary and Secondary Education Act.

Furthermore, I have been told of cases in the State where children alternate days for receiving free lunches and where some children in a single family receive free or reduced-price meals while others do not.

Children may not understand lunch quotas and State and Federal fiscal problems, but they can see when their classmates are eating or drinking milk. Children may not know about commodities and special assistance, but they can tell if their lunch ticket is green and the ticket of the child who paid his quarter or 30 cents is yellow. Children may not understand why, but they know if they are tired or irritable or if they have stomach cramps. They may not realize that their learning is being hindered, that their chances for competing successfully later in life are being diminished or that perhaps their lifespan is being shortened, but they do know if they do not feel like reading or doing their arithmetic.

Because of what children cannot comprehend and because we, hopefully, have the foresight to provide our children with the things which will enable them to develop into productive citizens tomorrow, the burden to act is on us.

The school lunch program is an apt vehicle for assisting children in their growth years. The program needs expansion. The bill before this committee would do that.

The program needs to be well planned and well operated. The section in the bill providing for advanced funding would help insure this. I noted in testimony before the education subcommittee earlier this year that late funding is one of the greatest educational problems

we have today and we simply must take steps now to make funds available at an earlier date.

Schools in areas with concentrations of low-income children need special consideration; the bill allows for that.

Additional research and training is needed in the field of child nutrition; the bill would promote this.

In closing, I would like to note that one city in my State has an exceptional school lunch program. That city is Norfolk. In order to develop the program, the city turned to funds under title I of the Elementary and Secondary Education Act to supplement funds from the lunch program. With these funds the city developed an efficient and economical operation through the use of satellite kitchen facilities; it established a uniform system of eligibility for lunches and prohibited overt identification of those receiving free and reduced-price lunches. I had an opportunity to visit the program earlier this year and to discuss it with the director, Mr. Harry C. Mayo, Jr. I was impressed with the operation and I believe that it deserves commendation. Even in this model program, however, this bill introduced by Senator Talmadge would be of significant benefit because it would permit Norfolk to feed more pupils than they are presently able to feed now. Again, I commend Senator Talmadge. I think this is a good bill and I hope the committee will report it promptly to the Senate in order that the Senate might give further consideration to it.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Any questions of Senator Spong?

(No response.)

The CHAIRMAN. Senator, the problem in the past has been in getting States to contribute more funds, as you know, and the Talmadge bill provides for the contribution from the States from a certain formula that is a little different from the formula in H.R. 515.

Senator SPONG. I understand that it is dollar for dollar now as opposed to \$1 for \$3. I might say in fairness to Senator Talmadge that I believe the bill will cost both his State and mine. I think Louisiana has already done enough.

The CHAIRMAN. We led the way in the Nation, as you know.

Senator SPONG. You could be in better shape than we would. But I think States ought to participate more.

The CHAIRMAN. Should anything be put in here to make it obligatory, if that is possible? As I have said, this program has been on the statute books since 1946. Very few States joined at the beginning. The reason why many did not join voluntarily is because of the cost. H.R. 515 has a formula in it which would make it possible to collect from the States from 4 to 10 percent, increasing to the latter level over a period of 6 years. Of course, the committee will have to make some kind of decision as to what the States ought to contribute. I am just wondering if you have any thoughts to give to the committee about that phase of it.

Senator SPONG. Mr. Chairman, I would like to give some additional thought to the question, but initially I believe the program is important enough that it should be made obligatory. I also believe the merits of the proposed bill would be an incentive to States to participate.

The CHAIRMAN. Any questions?

Senator HOLLAND. Mr. Chairman, I am called elsewhere by a very serious matter. I want to make two comments, if I may, and, with your permission, leave the hearing.

First, I want to express my thanks not only to Senator Talmadge—I agree with most of the provisions of his bill. He knows already that there is only one provision with which I seriously disagree and I think he himself has probably a different view with reference to that particular provision, as to its meaning, rather, than when the bill was produced. I want to thank Senator Spong. I want to thank these gentlemen who are serving on this panel which is here today.

There is one exception. I think that the comment made by the chairman of the panel with reference to Fairfax County, Va., was not only unfortunate but very unfair. It does not do any good to point fingers and call names. I want to read that part of his statement with which I completely disagree:

“There are boards of education even today who, like Pontius Pilate, wash their hands of all responsibility either moral or financial for their food service programs. As we sit here today in Washington discussing new steps to properly feed the youth of the Nation as part of their educational process, there sits just across the river the vast school district of Fairfax County, Va., undoing everything you are trying to do. After 17 years of providing at least a measure of financial support for its school lunch program, that board of education has this very year divorced itself financially from the program completely. They have announced they will do the same in the future and are now even asking the food service department to find ways of paying the hostesses who relieve teachers of noontime supervision.”

I think that remark was most unfortunate and most unfair. There are present here on this panel men who regret the fact that in their own States, in their own cities, there are large areas which are not served at all by the school lunch program. I honor them for recognizing that fact in their statements. They have been very clear and to the point in that regard. None of us is doing a completely perfect job in this matter. But the poorest way ever to get better cooperation is to sit and find a community like Fairfax County, Va., and aim at them comments of this kind, likening them to Pontius Pilate.

The second thing I want to correct is a statement made two or three times indicating that members of the panel may think that the \$45 million voted by the Congress last year out of section 32 for the special feeding programs funds was the total contribution from section 32 funds to the child nutrition program. Of course, Senator Talmadge and Senator Spong, Senator McGovern, and our distinguished chairman, and all members of this committee know that that is not the case. I wanted simply to submit for the record the appropriate and fair figures.

There was included in the regular bill for the school lunch program a transfer from section 32 of \$64,325,000 for fiscal 1969. We also added \$45 million on the floor, making a total available of approximately \$109,325,000 for fiscal year 1969 from section 32 funds.

From section 32 funds for the 1970 act, there is included in both bills passed by the House and the Senate these amounts: \$194,266,000, for the regular child nutrition program plus \$100 million for the special feeding programs, or a total of \$294,266,000. These items are not in conference and have been made available to the Department.

I want to make that very clear, because not only this committee but the Subcommittee on Appropriations which handles this matter has, I think, about as much understanding of this problem and as much sympathy with the effort to meet it as anyone else. Section 32 is making a much larger contribution than the \$45 million which was mentioned by some members of the panel and which may have been misunderstood by members of the panel as being the total contribution of section 32.

Mr. Chairman, I end by again expressing my very great appreciation to Senator Talmadge for coming to grips with so many problems which the bill will meet, and to Senator Spong, who I think is approaching the matter of his great Commonwealth's need in this field much more sympathetically and much more effectively than was the case with the approach made by the chairman of the panel.

Mr. Chairman, I am sorry, but I will have to be excused.

Senator SPONG. I would like to thank Senator Holland. I must leave also. I feel, however, that as a representative of the Commonwealth of Virginia, I must make some further reference to Fairfax County.

Until this morning, I knew nothing of the situation in Fairfax County, but I would like to say, for the record, that the board of education in that county, which is Virginia's largest county now, has an almost unmatched record for progress in education itself. I do not know the effect of any action they have taken on the future of the school lunch program or any other program, but they have consistently demonstrated a dedicated attitude toward education in general. I am certain they gave a great deal of thought to any action they might have taken.

Thank you.

(Supplemental statement filed on the above matter is as follows:)

FAIRFAX COUNTY PUBLIC SCHOOLS,
Fairfax, Va., October 10, 1969.

HON. WILLIAM B. SPONG, JR.,
U.S. Senate,
New Senate Office Building, Washington, D.C.

DEAR SENATOR SPONG: The recent testimony by Mr. Perryman before the Senate Agriculture Committee was most unfortunate in that it did not represent the facts as they exist in the Fairfax County Public School district. Obviously Mr. Perryman has been misinformed. So that the record may be straight, I would like to introduce these facts:

The Fairfax County School Board has long been a leader in the public school lunch program. A hot food lunch program is operating in all schools in the county with the emphasis upon the Class A program, as recommended under the guidelines of the U.S. Department of Agriculture. The district has provided funds for the facilities and the equipment. In addition, it provides funds for the transportation of foods to schools, for the storage and delivery of NSDA commodities, and for the replacement of equipment and updating of equipment facilities in existing schools. Extensions to the program have been made, which include providing breakfast for needy children and cooperating with community service agencies in seeing that lunches are provided for programs, such as Headstart and Day Care Centers.

In the past few months the school lunch program staff has been reorganized and accounting centralized so that the revenue from the more affluent schools could help meet the deficit from the cafeteria operations in the less affluent schools. This change has provided for more equitable and better economic use of foods. Having served in a number of school districts, this is one of the finest school lunch programs I have seen.

I trust this information will be of help in clarifying the situation.

May I extend to you and any other member of your committee an invitation to visit our schools and see our programs in operation.

Sincerely,

LAWRENCE M. WATTS,
Division Superintendent.

Senator TALMADGE. Mr. Chairman, may I compliment the Senator from Virginia, Mr. Spong, on his excellent statement. I am deeply grateful to him for his remarks.

Senator SPONG. Thank you.

(The prepared statement of Senator Spong follows:)

"A hungry child cannot learn."

"The child who is malnourished does not perform well. He does not run and play to the extent that other children do."

"We've had fewer discipline problems since we began the breakfast program."

"The children in that school are a little shorter, a little fatter and a little paler—probably because of a great deal of carbohydrates in their diets and not enough iron and protein."

"Malnutrition may be directly related to inability to read. Certainly, it is related to the ability to learn."

These quotes are from Virginia teachers, public health personnel and pediatricians. They are talking about Virginia children.

At this point, we do not know all that we should medically and scientifically about hunger and malnutrition, either about its relation to proper growth and development or about its extent. On the basis of existing evidence, including recent studies conducted at the University of Colorado Medical Center by the Cornell Medical School, we can, however, probably correctly assume a direct relationship between diet and proper development.

While more extensive and more detailed studies are needed, I believe two surveys which have been conducted in Virginia are of significance to this hearing.

The first study was conducted by the University of Virginia Hospital Clinic, which serves an 11-county area in central Virginia. The survey covered 1,143 children who came to the clinic, i.e., children who came for medical care of some type and children who were mostly from low-income families. Of the children studied, large percentages had had less than the dietary requirements, as prescribed by the National Research Council in 1964, on the day preceeding their clinic visit. While some allowance must be made for daily variations in diet, I believe the findings of the study are still revealing. For the one day, 49 percent of the children had had less than the recommended daily requirement of milk. The percentages of children receiving less than the recommended daily requirements in other categories were as follows: 37 percent in meat, 44 percent in green and yellow vegetables, 63 percent in citrus fruits and 27.5 percent in other fruits. Limited though the study is, it suggests serious deficiencies in many children's diets.

Deficiencies can, of course, be found in the diets of children in all economic strata. For those in the higher strata, education is generally the answer, but for those in the lower brackets, education *and* assistance are often necessary if adequate nutritional levels are to be obtained. One of the major assets of the School Lunch Program is that it can provide a nutritional meal for all school children, if those who can afford it can be induced to participate and if those who cannot afford it can be assisted in such a way that they can participate.

The second study, as the first, has its limitations, but it too is revealing. It involved only children who were seen in a clinic in the Appalachian region of Virginia and it is based solely on anemia rates. Of those children studied, infants had a high anemia rate of about 50 percent; the rate for the pre-school child was slightly less, averaging about 43 percent; and the rate for the schoolage child dropped significantly—to 7.5 percent for the 6–9 year olds and to 2.5 percent for the 10–14 year olds. It is theorized that Head Start, School Lunch Programs and School Breakfast Programs account at least partially for the dramatic decline in the rates for school-age children.

Dr. Thomas McDonald of Grundy, Virginia, who conducted this study, is currently conducting a more controlled study. Using a sampling of first graders from all income levels, he is checking specifically for iron deficiency anemia and protein deficiencies. The initial results of the second study generally bear out the first findings regarding pre-school children, with the anemia rates only a few points

lower. If follow-up tests, which are scheduled for next spring, substantiate the data regarding anemia rates of school-age children, then we should have additional evidence of the value of child nutrition programs. Furthermore, it may suggest that a child's nutrition can be improved without medication and without changing domestic dietary habits. While the latter may be desirable in some instances, it is clearly a difficult and long-range approach to overcoming dietary deficiencies.

If we assume that there are deficiencies in many children's diets—and there are supporting studies in addition to the one I mentioned—and if we assume that School Lunch Programs can substantially benefit children, then the legislation before this committee takes on a new importance.

I am pleased to note that when the Committee on School Lunch Participation published its study of the School Lunch Program (*Their Daily Bread*), only one-fifth of the states had higher participation rates than Virginia which recorded 55 percent participation. By 1969, the participation rate had risen to 57.4 percent: 574,600 lunches were served daily, an increase of more than 41,000 over the previous year.

Still, much remains to be done. Many children do not participate. While 86,541 free and reduced price lunches were served in Virginia in fiscal 1969—15 percent of all lunches served—there were more than 186,000 children qualifying under the formula for Title I of the Elementary and Secondary Education Act. This means there were more than 186,000 Virginia children who were (1) from families with incomes of less than \$2,000 for four persons, (2) from families receiving welfare and not counted in (1), (3) delinquent, (4) neglected, or (5) in foster homes. In addition, there were many children from large, marginal income families who do not show up in statistics, but who may need help just as the 186,000.

Furthermore, I have been told of cases in the state where children alternate days for receiving free lunches and where some children in a single family receive free or reduced price meals while others do not.

Children may not understand lunch quotas and state and federal fiscal problems, but they can see when their classmates are eating or drinking milk. Children may not know about commodities and special assistance, but they can tell if their lunch ticket is green and the ticket of the child who paid his quarter or thirty cents is yellow. Children may not understand why, but they know if they are tired or irritable or if they have stomach cramps. They may not realize that their learning is being hindered, that their chances for competing successfully later in life are being diminished or that perhaps their life span is being shortened, but they do know if they do not feel like reading or doing their arithmetic.

Because of what children cannot comprehend and because we, hopefully, have the foresight to provide our children with the things which will enable them to develop into productive citizens tomorrow, the burden to act is on us.

The School Lunch Program is an apt vehicle for assisting children in their growth years. The program needs expansion. The bill before this committee would do that.

The program needs to be well planned and well operated. The section in the bill providing for advanced funding would help insure this. As I have noted a number of times, late funding is one of our greatest educational problems and we simply must take steps to make funds available at an earlier date.

Schools in areas with concentrations of low-income children need special consideration; the bill allows for that.

Additional research and training is needed in the field of child nutrition; the bill would promote this.

In closing, I would like to note that one city in my state has an exceptional School Lunch Program. That city is Norfolk. In order to develop the program, the city turned to funds under Title I of the Elementary and Secondary Education Act to supplement funds from the lunch program. With these funds the city developed an efficient and economical operation through the use of satellite kitchen facilities; it established a uniform system of eligibility for lunches and prohibited overt identification of those receiving free and reduced price lunches. I had an opportunity to visit the program earlier this year and discuss it with the director, Mr. Henry C. Mayo, Jr. I was impressed with the operation and I believe that it deserves commendation. Even in this model program, however, this bill would be of significant benefit.

The bill is a good bill.

I urge the committee to report it promptly to the Senate in order that it may be considered on the floor in the near future.

The CHAIRMAN. Off the record.

(Off-the-record discussion.)

The CHAIRMAN. From the State of Utah, how much is the State actually contributing per year to the school lunch program? I mean in cash?

Mr. ASHBY. A total of a million dollars and three-quarters, about 6 cents a meal.

The CHAIRMAN. Are there any other funds coming from other sources than the State and Federal Governments?

Mr. ASHBY. From the children, but not from any other subdivision, with the exception that in the mention of the contribution by the local districts, we have estimated that there is a great contribution made by the local districts when they build buildings and remodel buildings and put all the original equipment into these places. There are some districts that are niggardly about developing the program and they charge telephone bills, utilities, and everything else they can to the program. But we have worked against that and tried to get the local districts to contribute what they could toward the program. But building the buildings and equipping them in the first instance is a tremendous responsibility and a tremendous contribution.

The CHAIRMAN. In your study of S. 2548, have you been able to state how much more or less will be contributed by Utah?

Mr. ASHBY. Would have to be contributed on the matching basis?

The CHAIRMAN. Yes.

Mr. ASHBY. We are over the contribution at the present time.

The CHAIRMAN. So that would mean that the Federal Government would have to put up a million dollars more?

Mr. ASHBY. That is right. We have been able to go ahead with the State fund. Our law was passed in 1943, before the national law was made permanent in 1946.

The CHAIRMAN. Yes.

Mr. ASHBY. This gave us a real start on the program. We went into elementary schools and high schools, not just elementary or just high school, and all of our districts in the State of Utah now are in the program 100 percent, with the exception of Salt Lake City. They are coming in now as fast as they can.

The CHAIRMAN. Now, the administration appeared here yesterday—that is, members of the administration—who testified that they, the administration, were for H.R. 515. That bill provides that 4 percent of the State and local matching requirements—increasing to 10 percent in 6 years—must be contributed by the States. What have you to say about that feature of the bill?

Mr. ASHBY. I have not studied exactly what that would mean. However, if I remember correctly, all of the bills that have been introduced so far and the matching requirements were well above the total amount that would be required at the State level.

The CHAIRMAN. You mean even H.R. 515?

Mr. ASHBY. Right.

The CHAIRMAN. I have not had an analysis made of it at all, but that would be one of the important things to consider.

Mr. ASHBY. Yes.

The CHAIRMAN. Because, as you know, many States have not joined this program because of the cost involved.

Mr. ASHBY. Right.

The CHAIRMAN. As a matter of fact, Congress had to pass special legislation in order to provide for the furnishing of equipment to feed the children.

Mr. ASHBY. Right.

The CHAIRMAN. That, of course, is still the law. I am sure that appropriations will be made to meet that.

Mr. ASHBY. Our State fund has helped us a good deal. We have not any high school program that is charging more of totally paid children than 35 cents. Most of them are less than that. We go down to as low as 25 cents clear across the board, elementary and secondary.

The CHAIRMAN. Well, does your statement reflect the amount contributed by the children?

Mr. ASHBY. The average amount, dividing the total amount of money collected at the door by the total number of lunches, is around 23.5 cents.

The CHAIRMAN. And you are feeding how many?

Mr. ASHBY. We are feeding 8 million, nearly 68 percent without considering Salt Lake City, because they are just coming in and they are only serving about 10 percent now.

The CHAIRMAN. Sixty-eight percent of the—

Mr. ASHBY. The total children in the State of Utah. It is a small State.

We have an interesting way of raising the State fund. It is a special tax on wine and liquor. This was in existence for about 18 years and then, at 4 percent, that was added to the retail cost. Then 5 years ago, they raised that to 8 percent, so that doubled the amount, which gave us an opportunity to well match the Federal money and commodities, and certainly came in handy the year that the Government commodities were way off, which is a real problem to us.

The CHAIRMAN. Now, the gentleman from Michigan.

Mr. BRIGGS. Yes, sir.

The CHAIRMAN. According to your statement, Detroit would need much more money than it now has.

Mr. BRIGGS. Yes, sir.

The CHAIRMAN. To what extent can the amount be increased by either the city or the State in order to assist Detroit in providing food for children?

Mr. BRIGGS. In Michigan, we are making some progress on State appropriation. It gets a little further every year. It made the board of education—the board of education endorsed it 2 years ago. Last year, they recommended it to the education committee for consideration. The attitude seems favorable, a little bit more favorable this year.

As far as the school district itself, right now, we are in difficult straits financially. Not—I would not want you to think that food service is singled out to save money, because every department is hurt with cutbacks, to maintain and stay within a budget that we are not really doing, because we are going into deficit financing. I suppose in a sense we are breaking the law, because supposedly there is a State law that says we cannot go into deficit financing.

So we have several problems. I think food service over the years has probably fared better than some of the other departments as far as support from the board of education, because they do build our kitchens and they do put in the initial equipment. Now, the initial equipment runs us about \$80,000 for a base kitchen.

We need about 3,000 square feet and I have really no idea what construction costs are running today. But at \$30 a square foot, it becomes a sizable, again, \$90,000 for a kitchen. We have 14 such base kitchens. One should be completed by next September and two more in planning stages.

The CHAIRMAN. Do you know the situation outside of Detroit in Michigan?

Mr. BRIGGS. Not too well. We have other areas besides Detroit—I think Pontiac, Grand Rapids—again it would be urban areas that are in financial difficulty. Basically, education in Michigan is in financial difficulty. Tomorrow, the Governor is convening a special session of the State legislature to consider educational revision, which at least possibly could increase State income tax from 2 to 3 percent, with the funds directed specifically toward education. There is not necessarily a taxpayers' revolt, but I guess there is as far as school taxes are concerned. We have lost several millage proposals as far as additional money for operation. It is not just Detroit that is losing them—all suburbs and other communities in Michigan are losing millage elections.

The CHAIRMAN. What do you think would happen to the food program in Michigan if it were possible for the Congress to tell them that they must put a certain amount in, in order to be able to obtain Federal funds? In other words, be specific so that the program can be operated in all schools?

Mr. BRIGGS. I am not sure I can answer it other than the fact that the attitude—there seems to be an interest in the State legislature for school lunch. So from this standpoint, if it becomes mandatory, I really do not know how they would react, but it is possible that it would be favorable.

The CHAIRMAN. That is a question you have to consider, since it is in two bills before us—that is, it is my belief that something would have to be done. Whether we can force the issue in the States remains to be seen.

Now, Massachusetts, Mr. O'Hearn.

Mr. O'HEARN. Yes, Senator.

The CHAIRMAN. What percentage of the children are fed in Massachusetts? That is, in schools; do you know?

Mr. O'HEARN. Children, about 55 percent. There is a 55-percent rate of participation in the schools in which lunches are being served.

The CHAIRMAN. How much does the State provide for that purpose?

Mr. O'HEARN. Under the national school lunch program, the allocation—please permit me to use approximate figures. I do not have the charts, but they are reasonably accurate—the State of Massachusetts is getting about three and a half million dollars a year Federal allocation, and they are contributing close to \$4 million. When this matching bill was drawn originally, there was a clause inserted in that bill which stated that, notwithstanding any provision to the contrary, the State appropriation was not to exceed the Federal. When Federal funds

started to run short, the appropriations and ways and means committees of our legislature up there waived that notwithstanding any provision to the contrary provision and we are in excess of a dollar-for-dollar basis.

But bringing in again the importance of the suggested amendment, unless you gentlemen and Senator Talmadge agree to the insertion of that amendment, you are taking Massachusetts off the hook, because any additional moneys, they are already meeting the matching requirements of the bill, and they will not be obligated to appropriate any money, whereas realistically, they are needed to offset increased food costs.

I am repeating myself. Your original program—I am going to call it that—has been taking care of some of these free and reduced-price lunches due to increased costs that the original program is not going to be able to do it any more and it is going to become a responsibility of your section 11. So in your projections, you would have to include a transition of these children who have previously been fed under section 4 as a responsibility of section 11.

Now, with regard to matching, the States on the matching, I think New Jersey last year for the first time appropriated \$3 million. Just before I left Boston to come down here, I had heard that the Illinois Legislature had acted, and I believe they are considering an appropriation of \$5 million. I do not know at what stage that is. My source of information indicates that it has gone through the Illinois Legislature. Neither do I know the provisions of the particular bill. I only have the \$5 million fact, which is encouraging.

The CHAIRMAN. There is no doubt that the States are providing more funds and will in the future provide more funds, I am sure.

Now, Missouri.

Mr. PAGE. Yes, sir.

The CHAIRMAN. What does Missouri furnish by way of cash?

Mr. PAGE. So far as Missouri is concerned, Mr. Chairman, very little except for administration expenses. I really do not see anything right on the immediate horizon. I would anticipate that this would and could cause a problem, but if this bill is written in this fashion, some action would either have to be taken down there or maybe some priorities established on funds that are available in Missouri. But at the present time, the only funds that are available from the State level—now, remember, I am a local-level person: I can only speak from what I receive. We do not receive any real substance per se in the city of St. Louis from the State.

The CHAIRMAN. The receipts you have, I presume, come entirely from the Federal Government and the children?

Mr. PAGE. That is correct, sir.

The CHAIRMAN. Do you get any local help?

Mr. PAGE. Yes, the local district puts in some money for the operation—

The CHAIRMAN. Donations?

Mr. PAGE. Well, for administration expense generally and capital improvement, replacement of large equipment; things of this nature. Of course, as Mr. Ashby said, tremendous sums in capital improvement and buildings. But this would be a problem, as I see it.

The CHAIRMAN. Are there any further questions of members of the panel?

Senator Talmadge?

Senator TALMADGE. Mr. O'Hearn, may I see if I understood the intent of your suggested amendment? You think that, without this amendment, if Congress increases funds available and commodities available from the Federal level, there may be States that would reduce their own local effort? Is that what you are driving at?

Mr. O'HEARN. No. Under the present regulations, Senator, States like Massachusetts and New York are only permitted to reimburse national school lunch programs—schools, not section 11—at a maximum rate of 9 cents, regardless of how much money the State is willing to contribute to the program. Since 1964 up until the present time, the original national school lunch program has assumed a burden of somewhere between 5 and 15 percent of the children served in school on a free and reduced-price basis. Due to increased food and labor costs, due to an unwillingness of these schools to want to increase prices to a point that is consistent—consistent with pricing the children willing to pay, who are out of the program—but they have been unwilling to continue to assume the burden of these free and reduced-price lunches that they have been assuming. So those children will then become a responsibility of section 11. They will then be drawing on the suggested appropriations that you are indicating in your bill.

Now, if it were the original intent of the act to have in some of these schools the original program continue to bear the cost of some of these lunches, why, we are negating the purposes of your matching provisions by letting these States off the hook. I think it rather healthy to try to let some of these programs continue to carry the cost of some of these lunches.

Senator TALMADGE. I agree. I think all children that can pay the cost of the lunch should do so. I think a greater effort is going to be required, both on the Federal, local, and State level, to take care of these reduced prices for lunches and those that are going to be required to be free. But I certainly do not think the Federal Government nor the local government nor the State government ought to undertake the burden of paying for a child's lunch that the child can pay for himself.

Mr. O'HEARN. No, but you would not be here, Senator; you would not be doing that. If the maximum reimbursement rate were changed, there would be no obligation on your committee to appropriate additional moneys under section 4. It would then be incumbent upon the States to make up the difference between the rate factor that was arrived at—you know, in relation to the number of children that were participating—between that factor and the new maximum rate that was established. Per se, in Massachusetts at the present time, the Federal Government is contributing 4.5 cents—let us say 4 cents—and the State itself is contributing 5 cents. All right. The cost of that—under this setup, these programs are assuming somewhere between 5 and 15 percent of the free and reduced-price load. Food costs have gone up considerably. It now costs 56 cents to serve a complete lunch. When we started, it was way down around 20 cents or 25 cents. These schools have room, financial room, to assume this burden. But now, because of increased costs and because of their unwillingness to price these lunches beyond many children who may continue to have a willingness to pay, they are in this situation.

Senator TALMADGE. After the committee adjourns, I wish you would check with my legislative assistant and one of the staff of our committee here, Mr. Stanton, to go into that matter fully and let us be certain that we are working to achieve what we both want to achieve.

Mr. O'HEARN. Right; I should have stated, but I was reaching for brevity, that this amendment has been approved by the State director section of the American School Food Services organization and has the approval of your own State director, Miss Martin, with the realization of what will happen unless this amendment is inserted.

The CHAIRMAN. Any further questions?

Senator TALMADGE. No further questions.

(Supplementary statement filed by Dr. Perryman is as follows:)

DENVER, COLO., October 6, 1969.

HON. ALLEN J. ELLENDER,
Chairman, Senate Agriculture Committee,
Old Senate Office Building, Washington, D.C.

DEAR SENATOR ELLENDER: The recent testimonies by representatives of American School Food Service Association regarding the Talmadge Bill did not make reference to the use of food management companies since this issue was not involved in S. 2548. Furthermore, since our witnesses were not questioned on this subject, our views were not made known. However, in consideration of the fact that an amendment to admit food management companies was proposed by other witnesses, we would like to express our judgement on such an eventuality and, if possible, have these remarks entered in the record as a part of our testimony.

The American School Food Service Association is very much opposed to the admission of food management companies into school food service. Our thinking is as follows. We believe the place of industry in education is to provide the tools therefor and, in appropriate instances, advice and consultation; we do not believe the proper place of industry is to take over a portion of the educational system or the educational process. We believe the problem to be a basic one, Senator Ellender, and not a problem confined to school food service. Since the Federal Government started appropriating hundreds of millions and billions of dollars for the educational system in the United States, many different facets of industry have taken the approach that our schools really should be in the hands of the businessman and not in the hands of educators. In our area of food service, there is reason to believe that the interest of the business community would not stop with the preparation and delivery of food. Already one of the major food service companies has indicated its willingness to do all purchasing for schools, not only food. Are we then at the point of having text books and teaching materials purchased on a lowest cost basis? Is the next step then the hiring of teachers on this basis? What will be the limits of business involvement in our educational systems once the trend has begun?

It is difficult for us to see exactly what function the food management companies can perform that school food service operations cannot. As an example, when we were meeting with food management company representatives in the offices of the Department of Agriculture last December 12 and 13, we were advised by food management that they too would have to tool up for school district contracts, that they did not presently possess the equipment to take on large-scale jobs and, that furthermore, they would be reluctant to purchase the equipment on short-term contracts. They expressed a strong preference that school districts purchase the equipment which they would then use. One then asks why should not the school district purchase and operate the equipment itself, thereby eliminating many difficult questions such as who is responsible for what in the event of injury, accident, vandalism, etc., if equipment has one owner and another user?

A situation recently came to our attention in the State of Michigan, Senator, which would seem to indicate an excellent and proper working relationship between industry and a school district. The district was hard pressed financially to continue its school food service program and was considering abandonment of its food service program altogether. The Director of the program saw some equipment exhibited at our convention in Detroit in August which she believed

would meet the needs of her community. Since that time, the manufacturer has made a presentation to the Board of Education, the Board has accepted the system of meal delivery, the community has acquired the equipment and is using it effectively and apparently happily. In this instance, the inventiveness and the initiative of industry has been combined with the concern for children of a school district for the best interests of all.

We believe very much in the use of industry inventiveness and initiative, but our thinking regarding the optimum relationship between education and industry can perhaps best be illustrated by this analogy. Repeatedly the firms with which we have worked closely and amicably for many years, have told us that many of their new ideas for equipment, packaging, labeling and processing have come from our members—persons engaged in school food service. This is fine—this is advice and counsel. It does not mean that our friends in industry would want our members to come into their plants to attempt to engineer and execute the suggestions they have made. In the same way, expertise can be made available to the school administrator without surrendering a portion of his plant, his responsibility and his purpose to an outside source.

If we are to hold school administrators responsible for such vital areas as teaching, then it would seem that they should not be asked to abdicate their responsibilities for school food services—a phase of education which may have a greater bearing on the future of the child than any other single program in the school.

In our judgement, a good school food service facility should not only provide nourishment which will contribute to the physical well-being and receptiveness of the child, but should also be a living laboratory for the teaching of good nutrition. We believe this function is best kept in the hands of educators.

I respectfully request that these remarks be admitted to the records on the S. 2548.

Sincerely,

JOHN PERRYMAN,
Executive Director,
THOMAS P. O'HEARN,
Chairman, Legislative Committee.
American School Food Service Association.

The CHAIRMAN. Senator McGovern?

STATEMENT OF HON. GEORGE S. McGOVERN, A U.S. SENATOR FROM THE STATE OF SOUTH DAKOTA

Senator McGOVERN. Senator, I just wanted to commend Dr. Perryman and the excellent panel here today. I have known Dr. Perryman for 10 years. He was a consultant at various times during the Kennedy administration.

I was pleased to see in his statement that he is still being consulted by this administration, because he is a nationally known authority in this field.

I would like to identify myself with his statement and the others that have been made here.

I do want just to take a moment, Mr. Chairman, to say that I am pleased to support Senator Talmadge's bill. I think it is the best child-feeding legislation that has been introduced in the Congress and I am glad that he has added my name at my request as a cosponsor.

I do think that we have a longer-range goal that will call on us for a more comprehensive reordering of all of our child-feeding programs. I do not think it is possible for that to happen in this session of the Congress, and I am going to support the legislation offered by the Senator from Georgia. But what is really needed is the kind of program that is suggested by Dr. Perryman that provides an adequate nutritional level for every child in the country without regard

to the economic discrimination of demeaning means tests or things of that kind. I believe the answer is a single program utilizing schools as a delivery system to bring nutrition education and both a breakfast and a lunch to preschool and school-age children. I would like to see us work over the next 2 years toward a goal that would operate this program the year around, not just on a 180-day school year, since nutrition does not take a vacation. I think we should have one funding provision, instead of the 16 sources that we now have for Federal funds, to provide breakfast and lunch to every pupil regardless of economic status.

The rationale for that is the same as the basis on which we provide buildings, textbooks, and teachers.

Senator TALMADGE. Will the Senator yield at that point?

Senator MCGOVERN. Yes.

Senator TALMADGE. We tried to achieve flexibility, as you are aware, by making the funds interchangeable to take care of local needs and—

Senator MCGOVERN. I think that is one of the many good features in this bill.

Senator TALMADGE. The needs of one particular area might be equipment and the need in another area may be food, the need in another area may be a dietitian. It can vary from school to school and State to State.

Senator MCGOVERN. What I am really proposing here, I will say to the Senator, is something that can perhaps be applied to your goal in the Congress. I think this measure is one that can and should be passed this year. There are three procedural amendments I would like to suggest—I do not offer them now, but I would like to suggest them to Senator Talmadge for his consideration.

Senator TALMADGE. I wish you would please offer them for the benefit of the full committee and the staff so we can look at them. I am sure that this bill is far from perfect. It is my first endeavor in this field, as the Senator knows. My staff is very competent and they worked with the local people and the State people and the Department of Agriculture people to try to come up with what they thought was needed. I am indeed flattered that these experts from all over the country have been coming in and testifying almost unanimously for it.

Senator MCGOVERN. I think the Senator is entitled to draw great satisfaction from that, because insofar as it is possible to amend our existing program this bill is excellent. That program has accomplished an enormous amount of good, to the credit of Senator Ellender and others who authored that program some 23 years ago. I think that operating as this bill does, as proposed by the Senator from Georgia, as really amendments to the existing program, it is very progressive. What I am talking about here is a future goal which would be designed to treat nutrition among children as an essential education service just as textbooks or education. All of which are free in our public schools.

The procedural amendments, I would like to suggest for the Senator's consideration, and I will insert a more detailed explanation of those for the benefit of the committee, are a package of three amendments designed to assure uniform eligibility for free and reduced-price lunches. They are aimed at enabling the Department of Agriculture

to enforce its own regulations and its own guidelines. I think these amendments will strengthen the avowed purpose of the national school lunch program, but whether they are accepted by the Senator or not, it is my hope that this will be adopted. I want to do what I can to assist him in that effort.

Senator TALMADGE. I am grateful indeed.

(The prepared statement of Senator McGovern follows:)

Our children are the nation's most precious resource. The time has come to face up to the full implications of this. We must affirm the principle that every child has the right to the nutrition required for good health, just as the right to education has been recognized for every American child.

As a people we cannot afford the loss of intellectual resources and productivity that results from an incomplete effort to feed our children. This alone should prod us toward innovative solutions to the problems of child nutrition.

The Congress should move as quickly as possible to revamp present child feeding programs and adopt comprehensive child nutrition legislation to assure the nutritional well-being of all our children from infancy through adolescence.

After twenty-three years of operation, the National School Lunch Program has contributed inestimably to the well-being of our nation. Unfortunately, however, it still reaches only $\frac{1}{3}$ of the nation's school children. At least seven million and perhaps as many as nine million children go to schools without facilities for food service. Availability of school lunch is not based on need, but on past participation and average per capita income: a formula which inhibits programs and works against children in our inner cities.

Funds are desperately needed to bring lunches to the 8.4 million school age children who require free and reduced price lunches.

Furthermore, we need to strengthen the school breakfast program. The Department of Agriculture has failed to request any increase in funds for the School Breakfast Program; yet that program has served only 275,314 children in its peak month. In my view, breakfast is at least as important as lunch. The breakfast program should be expanded.

The long-range nutritional impact of our child feeding programs is at best uncertain. After twenty-three years, "graduates" of the National School Lunch Program, teen-age mothers, are among the nation's worst fed citizens.

We can no longer afford a program that befuddles its local administrators, not to mention the Department of Agriculture, with 16 separate Federal sources of funds for feeding children—sources which overlap and leave children in one category unfed while the school returns unspent money from another category. Piecemeal amending of present laws will probably not adequately reform our present hodge-podge of child feeding programs. What we need is a comprehensive new structure designed to eliminate present inefficiencies, over-lapping and gaps.

I believe the answer is a single program utilizing schools as a delivery system to bring nutrition education and two nutritious meals a day to all pre-school and school age children. Since hunger does not take a vacation, this program should operate year round and not be limited to a 180 day school year. It should have one funding provision, to provide breakfast and lunch to each pupil regardless of economic status, thus ending eligibility requirements and the demeaning welfare aspects of the program. Since we now know that good nutrition is as important to learning as are textbooks and teachers, we must treat nutrition as an educational service to be provided by the school in the same manner as other school services.

I propose Congress set as its goal the implementation of such a program within the next five years.

Nevertheless, with this goal in mind, I consider S. 2548, authored by Senator Talmadge, a progressive interim measure which can and should be passed this year. It is the best child feeding proposal yet introduced in the Congress. I am pleased to be a co-sponsor of Senator Talmadge's bill.

It greatly increases special assistance funds to needy schools. It defines a reduced price lunch. It attacks the equipment assistance problem head on. It requires state matching funds from state revenues. And most importantly, it allows for the interchange of funds among programs and the carryover of appropriations from year to year.

In one particular area, however, I believe S. 2548 needs improvement. During the hearings of the Select Committee on Nutrition and Human Needs nearly every witness testified to the unevenness of local administration and operation of the National School Lunch Program, especially in the area of eligibility for free and reduced price lunches. My concern for this problem leads me to suggest a package of three amendments to S. 2548, all of which, I believe, will be complementary to that bill. They will assure that poor children are fed at school—an assurance that cannot now be given by the Department of Agriculture.

The first would provide for national eligibility standards for free and reduced price lunches to be fixed at a minimum of \$4,000 per year for a family of four to be revised annually to reflect cost of living changes, a provision which the Senate last week adopted for the Food Stamp Program.

Second, I suggest an amendment replacing the term "school" with the term "local educational agency", a term synonymous with "school district." This would end the option available to states and local authorities to allow schools rather than school districts to be contracting agencies. It would reduce to one-fifth the number of governing bodies instituting local school lunch policy and result in more uniform administration of the program.

Third, I urge an amendment to require that state plans of operation set forth a comprehensive description of the manner in which the applicant state proposes to assure food service programs in every school in the state by the school year 1972-73. The state would also be required to set forth in its plan precisely how it would utilize its child feeding funds each year. This procedure would be coupled with a reporting system requiring each local educational agency to report monthly to the state and the state to the Department of Agriculture on the number and percentage of eligible children receiving free or reduced price lunches.

These proposals are designed to assure uniform eligibility for free and reduced price lunches and enable the Department of Agriculture to enforce its own regulations and guidelines. I believe these amendments will strengthen the avowed purpose of the National School Lunch Program. It is my hope that Senator Talmadge, as the author of S. 2548, will consider these further suggested improvements in his already excellent bill.

The CHAIRMAN. Congressman Perkins.

STATEMENT OF HON. CARL D. PERKINS, REPRESENTATIVE IN CONGRESS FROM THE SEVENTH CONGRESSIONAL DISTRICT OF KENTUCKY

Mr. PERKINS. Senator Ellender and members of the committee, it is a great pleasure for me to appear here today to endorse the bill, S. 2548 in its purpose and most of its specifics. I want to compliment the distinguished Senator from Georgia for sponsoring it.

Senator TALMADGE. I am grateful indeed. As the Congressman knows, we are considering the bill that you sent over from the House at the same time. I take it from your statement that you would desire this committee to substitute S. 2548 for your bill.

Mr. PERKINS. That is correct. I am presently circulating your bill among the membership of the Committee on Education and Labor for cosponsors. I shall then introduce it in the House. Then if we have to go to conference, we can more easily reach agreement.

Senator TALMADGE. I am indeed flattered, sir.

Mr. PERKINS. The Senate bill is a remarkable bill. It is for that reason that I appear here today to endorse it.

The bill provides a 50-50 matching formula. H.R. 515, which is also before the committee, provides for a graduated matching formula, stopping at 10 percent. They may come a time when we can realistically expect all of the States to match our Federal school lunch dollars on an equal basis but I fear that if we went at this time to a 50-50

matching formula, we might reduce the school lunch program rather than expand it.

I make that statement because I conducted extensive hearings a year ago into the school lunch program, I know it will be impossible for Kentucky to come up to 50 percent in the foreseeable future. By setting a lower contribution rate and getting the States involved over a period of years, I think would benefit the school lunch program. In my eastern Kentucky coal mining area, we need all the money we can obtain from the State, but it would hurt us if Kentucky's inability to match kept Federal help away.

The focal point of proposals before the committee, including the two House bills, is more money directed to supplying free or reduced price lunches to needy children and to equipping schools to enable them to provide food service. All proposals center around section 11 type assistance. S. 2548 goes beyond an infusion of more funds to revise the basis for a distribution of those funds. Section 11 as it stands on the books permits payments by a State of special assistance funds to schools selected in the light of economic problems of the schools and the area which they serve. Thus the poor children attending an affluent school can be shortchanged. The Talmadge bill would require section 11 funds to follow the child. In this respect, the bill is better than the provisions of the two House-passed bills.

The House bill and S. 2548 both provide for advance funding. I urge your retention of this feature as one of the most helpful to local school officials. Local school boards approved in the spring of 1969 budgets for the school year we are now in. Congress has not yet approved the appropriation for the program for the same school year. It can readily be seen that chaos is created in all programs where there is Federal financial support.

We tried to do something about the forward funding position in our school bills, but we have not had it fully implemented in appropriation bills. But sometime in the future, I think that day will arrive. The advance funding provision will be of tremendous benefit to orderly conduct of the school lunch program.

I urge favorable action on S. 2548 and I assure you that I shall urge my colleagues in the House to go along with the Senate version.

It is a great pleasure for me to be here and I am proud that we are taking steps to improve the free lunch program in the country.

Thank you.

The CHAIRMAN. Congressman, as you know, one of the difficulties in the past was our inability to get the States to contribute.

Mr. PERKINS. Correct.

The CHAIRMAN. Now, the fact that you make it obligatory in this instance—I mean in this bill—would you want to put any kind of compulsion on the part of the State if it is possible to?

Mr. PERKINS. Yes, at a rate that they can meet, that is realistic, like the approach that we took in the House bill. I think the quicker we get them involved, the better off we will be in the long run. This program will eventually run into the billions of dollars in my judgment, over a period of years, if we are to take care of all hungry children. It costs now, from all sources of Government and children, several billion dollars a year.

The CHAIRMAN. Two and a half.

Mr. PERKINS. We have so many million youngsters in need of school lunches that are not being reached today. I think we ought to bring the States in at a realistic figure and not require too much contribution. And when the general assemblies of the various States realize that they have to make a contribution, they will gladly come in if we do not try to put it all on them at once and drive them away when they cannot make the contribution. I know we have only a dozen or so States making contributions at this time, but most of them are putting up some administrative money—all of them, I think. I think the States should carry a small burden to start out with. I think they will all gradually respond. That is the information I get.

The CHAIRMAN. Thank you very much.

Senator TALMADGE. Thank you, Congressman, for your excellent statement.

The CHAIRMAN. Mrs. Ryan.

STATEMENT OF MRS. EDWARD F. RYAN, NATIONAL PTA CHAIRMAN FOR LEGISLATION, NATIONAL CONGRESS FOR PARENTS AND TEACHERS, MANCHESTER, MASS.

Mrs. RYAN. I am Mrs. Edward F. Ryan of Manchester, Mass., national PTA chairman for legislation representing the National Congress of Parents and Teachers, the National PTA, with more than 10 million members who are very much concerned with the school lunch program.

We wish to express our general support of Senate 2548, with some further statement.

I should like to say that for many years, no activity has been closer to the hearts of PTA people all over this country than the school lunch program. PTA concern dates from the years following the First World War when widespread malnutrition among children became so evident. In the twenties and early thirties PTA's began serving hot lunches in schools, and later led in support of the Congress in enacting the National School Lunch Act. We have supported annual appropriations for the continuation and expansion of the program, and we regret that it was left to others to point out to the Nation how very far expansion of the program has fallen short of serving our children, and that malnutrition among children is again a major problem.

Our members have now warmly joined in the effort to bring that program to all children. It must be said that practically all of us, in government, in schools, in private life, have used much high-sounding language about equal educational opportunity, about the importance of education, and the need for educating every child to full use of his abilities. We have been inclined to take it for granted that every child comes to school on equal terms, and forget that millions do not. We have not always been mindful of the inescapable fact that a hungry child can't learn.

We in national PTA, more than 10 million of us, will not rest until all children are equally in a position to learn, whatever the number of children who require breakfasts and lunches as a part of needed school services. We regard this as an obligation in the way that public education is an obligation. Practically speaking, if public education is indeed an obligation, then it is only sensible to see that these

services are not wasted because children are too hungry to profit by them. And indeed the cost of the program, even at highest estimates, is small in comparison to the investment we place in our schools. It is also small against the greater cost of paying for dropouts; the costs of welfare, unemployment, delinquency and crime.

In respect to cost, we are glad to see the proposals for additional funds for children who are not able to pay for school lunches themselves that are before your committee. According to the reports of qualified observers, however, no increases yet proposed are adequate to meet the need. Undoubtedly these reports have already been presented to you, but let me stress our concern. According to the National Council on Hunger and Malnutrition in the United States:

There are approximately 7.5 million children of school age from poverty families under OEO standards who, in order to eat lunch, require free or substantially reduced price lunches.

The estimated cost is approximately \$415 million, in addition to present appropriations.

The chairman of the State directors and supervisors section of the American School Food Service Association, who appeared before you a few moments ago, reported a study estimating that 32.5 million children do not now participate in the school lunch program. Ten percent of these children need free lunches, and another 60 percent need price reductions. The additional cost under existing legislation, he reports, would be \$622 million, allowing for usual absenteeism. Thus even the \$200 million proposed by S. 2548 falls far short of actual need.

National PTA supports without reservation the appropriation of the largest funds needed to provide every child with a balanced and nutritious school lunch, as well as breakfast where indicated, as rapidly as food services can be established. Further, we urge that measures be developed and enacted to insure that this service becomes available in every school.

We are deeply concerned by the large number of inner city and other schools where lunches are not available, on one pretext or another. We are deeply concerned by the hungry children who are forced to sit in a lunchroom and watch other children eat. We believe steps should speedily be taken to enable States to require local action. We are also concerned with the continuing rise in school lunch prices, now commonly 50 cents or more, which will not only increase the number of children going hungry but will steadily erode the number of children from moderate-income families who participate in the program. We do not believe children should be made to carry the burden of inflation, but rather a Federal participation should increase with costs of the program.

We should like to see States participating in the cost of school lunch programs from State tax funds to a greater degree than at present. Yet we are mindful of the effect such a requirement may have on use of the program itself in poor States. We approve the proposals to reduce the percentage of State contribution required, and the supplementing of children's payments with tax funds to meet these requirements. The use of a sliding scale according to relative per capita income should be continued.

Finally, we are far from satisfied with current reports of methods by which free and reduced price lunches are made available to needy

children. We believe local practices must be greatly relaxed in many districts. Schools and teachers must be encouraged to see that every child is properly nourished, and every doubt as to payment resolved in favor of the child. Only the provision of adequate funds can make this attitude possible. Sufficient audit can be taken by comparing the number of free and reduced price lunches with the number of welfare and low-income families, or with a county's average family income. I do not speak of the accountability for reimbursible funds which must be unequivocal, but rather of limitations on free and reduced price lunches that inevitably keep some children hungry. We believe the time will come when lunches are a part of school services, simply because it is crucial to the total welfare that we educate all our children.

We shall be most grateful for your consideration of these great needs, and we appreciate very much the privilege of presenting these views.

The CHAIRMAN. Thank you very much. That is a very nice statement. As you know, I fostered the first bill.

Mrs. RYAN. I do.

The CHAIRMAN. And, of course, it needs changing because of changed conditions. But do you not feel as I do, that in order to get a bill of this character to work, we have to have full cooperation at the local level?

Mrs. RYAN. Yes. We are taking that into account. We are very much concerned that there is not and we think measures should be taken.

The CHAIRMAN. My great fear is that unless people at the local level continue to cooperate with the Federal Government, this program may be in danger, because if you let Uncle Sam do it all, there is no telling what it will cost.

Mrs. RYAN. I agree with that.

The CHAIRMAN. And there is no doubt that we must arrange in some way in this bill to make it so that we can have full local cooperation, responsibility on the part of local people.

Mrs. RYAN. I understand. Our national convention last May adopted a resolution for every PTA around the country to look into its own program and make sure, make it possible for every child to participate.

The CHAIRMAN. Here lately, we had from 8 to 12 States that did not participate at all. Now they are all participating in some way or other. In my judgment, this bill will fail unless we can get local cooperation. I am just wondering how we can do that legally. We will have to rack our brains and try to find some formula whereby we can get these local people to continue this excellent cooperation we have had in the past.

Mrs. RYAN. Yes, sir; I understand.

The CHAIRMAN. Thank you very much.

Mr. Stephens.

STATEMENT OF HARVEY T. STEPHENS, EXECUTIVE VICE PRESIDENT, ARA (AUTOMATIC RETAILERS OF AMERICA) SERVICES, PHILADELPHIA, PA.; AND MRS. EDYTHE L. ROBERTSON, STAFF FOOD CONSULTANT, ARA SERVICES, ALEXANDRIA, VA.

Mr. STEPHENS. I think I will move quickly through the prepared text, which you have, and get on. The hour is getting late.

The CHAIRMAN. Your whole statement will be printed in the record. You may proceed to highlight it.

Will you identify the lady with you?

Mr. STEPHENS. Yes. I am Harvey Stephens, executive vice president of ARA Services, Inc. With me this morning is Edythe Robertson, who is director of nutrition services for our school and college division.

I am most grateful for this opportunity to appear before you and present some facts and some thoughts of how industry may be capable of helping you attain your objectives for the improvement of nutrition in our country, and especially the nutrition of our young people. It is my purpose to put before you suggestions of ways which would make it possible to move in the direction of more than doubling the effectiveness of the national school lunch program in serving its objective of making available to our children an adequate level of nutrition.

First, I would like to preface my statement with a few facts about the nature and scope of the work of the food service management industry because it is little publicized and because little is understood about the depths of technical knowledge the industry has developed.

While I must speak mostly of ARA services, there are other companies similarly engaged. ARA currently provides the complete food service for 275 schools, colleges, and universities * * * the complete dietary service for 175 hospitals and other health institutions * * * the service in the dining rooms and cafeterias of thousands of industrial companies, business offices, Government installations (such as Kennedy Space Center) and for many airlines.

In the course of serving more people daily than any other organization in the world, we have accumulated a great deal of practical knowledge about nutrition and also about the eating habits and food preferences of people. For many years we have conducted organized studies of food preferences and nutritional intakes, particularly of students to whom we provide in many cases substantially all their meals for months at a time.

If there is one thought I can contribute to your deliberations on the nutritional problems of our country it is this, and it is drawn from studies involving many thousands of people. Any program designed to improve the nutritional status of the population as a whole or of groups within it has got to take food preferences into account or fail. Furthermore, food preferences are changing. Some are no longer what they were a few years ago. I can assure you this is so because our company has had to deal with the problem under a wide range of conditions. For example, a few years ago we responded to a call from the Food for Peace Office of the White House to plan, establish, and operate a model cafeteria for underprivileged students in Bogota, Colombia. We trained native personnel in the cafeteria operation and today the cafeteria serves as a model for future installations in Colombia. Prepared diets using locally grown foods and six surplus food items from the United States were served to the students. The recipes were taste tested and food was prepared in ways that would have acceptance by the children. A rather obvious first principle is that food can't nourish a child if he doesn't eat it. At the other end of the scale our customers have included the astronauts at Kennedy Space

Center and all of the athletes from 117 countries at the Olympic Games in Mexico City.

It is from students, however, that we have drawn the greatest amount of food preference data. We have been serving students for more than 40 years and many of our 2,000 standard recipes are the result of this experience. The depth and breadth of our data led to our being retained by the Department of Agriculture for two separate projects. One dealt with food preferences and was based on survey ratings of more than 200 foods by more than 50,000 students. The second was a food usage study on 50 college campuses across the Nation.

As part of our regular operations we evaluate the adequacy of the diets provided by determining the nutritional analysis of the quality and quantity of the foods we serve. During each academic year we conduct nutritional audits and food preference surveys at the schools we serve. This sample represents over 1 percent of the total college population of the United States. The audit covers boarding students eating 20 or 21 meals a week on campus. A nutritional audit is the actual comparison of the food served the students with the Department of Agriculture's moderate food cost plan. The nutritive quality of the food served is measured against the recommended dietary allowances established by the Food and Nutrition Board, National Research Council of the National Academy of Sciences.

To illustrate the food preference aspect of the nutrition problem I should like to give you three examples. Please bear in mind that these are based on college food surveys, a situation in which the food provided and the data collected represent all three meals and for most of the students represents virtually their total food intake.

First, according to the results of both our food preference surveys and nutritional analyses of food as served, 100 percent of the students were meeting their protein needs during the academic year 1968-69. There seems to be little problem there.

On the other hand, despite the variety of fresh and frozen green and leafy vegetables offered to the students, analysis of this food grouping showed little or no sign of improvement. During the past 8 years only 39 schools of more than 250 surveyed met or exceeded a standard requirement for riboflavin. Green and leafy vegetables are a good source of this vitamin. The failure of students to select this type of food despite our promotion and efforts to prepare and display it attractively indicate a real need for basic research by the Department of Agriculture to develop and introduce vegetables having greater appeal to today's taste. Results of our surveys indicate that not only students but the general public as well have a low preference for green and leafy vegetables, for if they were eaten regularly in the home, students would feel impelled to eat them on campus as well. While we constantly improve menus as a result of our audits and surveys, there is no way you can force people to eat what they don't want. The answer then must come from new foods and the early and continuing nutrition education at all age levels.

Here is a third illustration: One of the major nutritional problems of teenaged girls and women is iron deficiency. The American Medical Association advises that most women face iron deficiency, either because they don't make very astute food selections or else miss the benefits of iron supplementation. ARA nutritional analyses conducted dur-

ing the 1968-69 academic year at 23 women's colleges throughout the country indicate that women in 12 consumed less iron than that Standard National Research Council requirement.

This is so despite our greatest efforts to give iron rich foods both taste and eye appeal. Recommendations are now under consideration to attack iron deficiency in women by enriching breads, flours, and cereals as well as milk. However, our surveys also indicated that the preferences and therefore the consumption of these food items is continually decreasing. Only 18 percent of the female students in the colleges surveyed met or exceeded the recommended dietary allowance for flour and cereal. Less than 20 percent met or exceeded the RDA for the milk group. Under these circumstances, enrichment of cereal, grain and milk products will not make a significant contribution to the female college student's diet. The only answer would be either by strenuous efforts to change their dietary habits through nutrition education or the enrichment of foods widely acceptable to this group.

The skills and experience of the food service management industry can do little to reverse basic trends in food preference. On the other hand, by knowing these preferences and combining that knowledge with careful meal planning, there is much more that industry could be doing to provide nutritious meals to preschool and schoolchildren where meals are not now being served. Let us look at the present coverage of the national school lunch program, which is why we are here. Access to the program is available in 71,983 of our approximately 119,000 schools. However, only 18.5 million out of approximately 55.8 million children aged 5 to 18 participate in the program.

Thus, this program actually reaches only about 33 percent of the Nation's school-age children.

Enrolled in these same schools are an even larger number of children who could participate in the school lunch program, but who do not do so. There are over 21 million of these children, compared to the 18.5 million I mentioned a moment ago.

The reasons for their nonparticipation are various. In some cases, it is a matter of cost; the parents simply decide to have the child take his own lunch. In other cases, it is a matter of preference; the child does not like the school lunch as served. In some cases, the child simply skips lunch or is unable to pay for the lunch.

I have been speaking so far only of children enrolled in schools which have a school lunch program. In addition, there are approximately 11 million children enrolled in schools where there is no such program. This 11 million compares with a total figure of 39.5 million in schools with a program.

I am not going to go over this table on the next page. It is there. It is very significant, very meaningful. All of the figures are documented and can be referenced back to very authentic points of collection in the Federal Government.

(The table referred to follows:)

TABLE I.—1968 POPULATION DATA

Group	Number	Source
All children (age 0 to 18).....	74,325,000	Census. ²
All poor children (age 0 to 18).....	11,427,000	Do. ³
Non-school-age children (age 0 to 4).....	18,521,000	Do. ²
Non-school-age poor children (age 0 to 4).....	2,742,480	See text (p. 8).
School-age children (age 5 to 18).....	55,804,000	Census. ²
School-age poor children (age 5 to 18).....	8,684,520	See text (p. 8).
School enrollment.....	50,700,000	HEW. ⁴
School-age (not enrolled).....	5,104,000	Computed. ⁵
Enrolled without access.....	11,154,000	USDA. ⁶
Enrolled with access.....	39,546,000	Do.
Participating with access.....	18,536,000	Do.
Nonparticipating with access.....	21,010,000	Do.

¹ Tables prepared from published data for a panel of the White House Conference on Food, Nutrition, and Health by Richard Burton and Dennis Young of the Urban Institute.

² Current Population Reports, U.S. Bureau of Census, series P-25, No. 416, Feb. 17, 1969.

³ Current Population Reports, U.S. Bureau of Census, series P-23, No. 28, Aug. 12, 1969.

⁴ Projections of Educational Statistics to 1977-78, U.S. Office of Education.

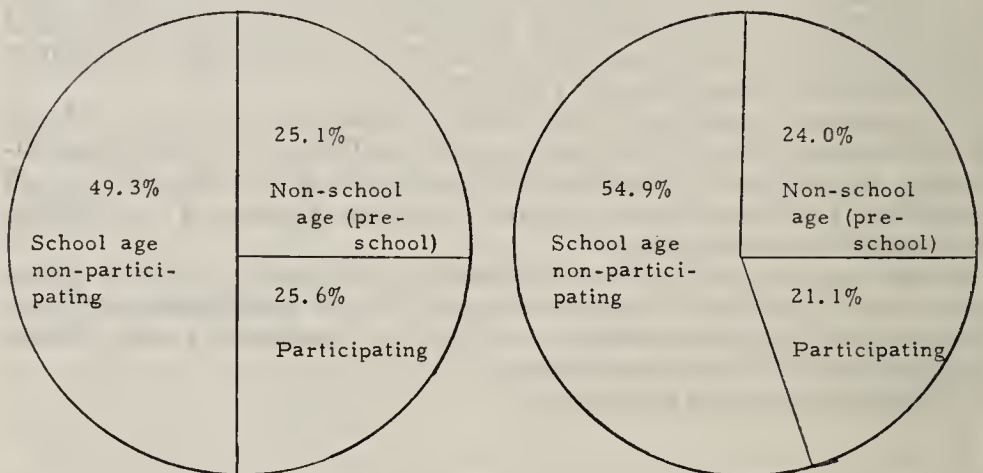
⁵ School-age children minus school enrollment.

⁶ Preliminary data from the National Survey of School Food Services, March 1968, U.S. Department of Agriculture.

Mr. STEPHENS. We have seen that the program at present reaches only about 33 percent of all school-age children. Within this figure, however, is another factor which must be recognized. When you divide the entire school-age population into poverty and nonpoverty groupings, you find that the program reaches better than 34 percent of the nonpoverty group, but only about 28 percent of the poverty group. In other words, the coverage is poorest among the children who need it most.

(The table referred to is as follows:)

Table II



Non-Poverty Child Population

Poverty Child Population

Mr. STEPHENS. Traditionally, revenues for the national school lunch program have been raised from three principal sources; (1) Federal, (2) State and local, and (3) children's contributions. The ratio of child contributions to total revenues has remained relatively stable, varying from 50 to 58 percent during the history of the program, 1947 through 1968 (reference table III.)

However, it is clear from the NSLP financial record that Federal cash contributions have declined from 30 to 11.5 percent of total support while State and local contributions have risen from 17.4 to 23.5 percent over the history of the program.

Furthermore, the fluctuations of the Federal commodity contribution, based on agricultural surplus, introduces considerable uncertainty into the planning of NSLP funds.

The Department of Agriculture is the regulatory agency that makes the smallest contribution to the NSLP, yet controls its policies and operation. In some instances, these controls are punitive measures which restrict the operational expansion of the lunch program to the needy.

(The table referred to follows:)

TABLE III.—PROPORTION OF TOTAL PROGRAM COST CONTRIBUTED BY CHILDREN'S PAYMENTS, STATE AND LOCAL GOVERNMENT CONTRIBUTIONS AND FEDERAL CONTRIBUTIONS, FISCAL YEARS 1947-68

Fiscal year	Total program cost	Children's payments	State and local funds	Federal contributions		
				Total	Donated ¹ food	Appropriations ²
	Thousands	Thousands	Thousands	Percent	Percent	Percent
1947.....	\$218,631	\$51.5	\$17.4	31.1	1.1	30.0
1948.....	276,737	50.0	18.7	31.3	7.0	24.3
1949.....	312,758	50.7	19.0	30.3	6.9	23.4
1950.....	367,643	48.2	19.2	32.6	10.5	22.1
1951.....	404,517	51.2	19.6	29.2	8.6	20.6
1952.....	433,738	55.9	21.4	22.7	3.8	18.9
1953.....	513,122	53.8	20.2	26.0	10.0	16.0
1954.....	594,330	51.0	19.3	29.7	15.9	13.8
1955.....	611,539	55.0	20.1	24.9	11.5	13.4
1956.....	696,868	54.1	19.8	26.1	14.3	11.8
1957.....	804,010	52.0	19.3	28.7	16.4	12.3
1958.....	809,462	56.0	22.4	21.6	9.4	12.2
1959.....	912,146	55.4	22.3	22.3	7.3	15.0
1960.....	1,002,676	55.5	22.0	22.5	7.1	15.4
1961.....	1,051,131	56.6	21.9	21.5	6.8	14.7
1962.....	1,168,674	55.0	21.0	24.0	9.7	14.3
1963.....	1,235,850	56.2	20.5	23.3	9.8	13.5
1964.....	1,327,179	55.9	20.3	23.8	10.2	13.6
1965.....	1,492,797	53.4	19.6	27.0	14.3	12.7
1966.....	1,501,103	56.8	22.1	21.1	7.8	13.3
1967.....	1,664,265	55.6	24.1	20.3	7.8	12.5
1968.....	1,872,011	53.2	23.5	23.3	11.8	11.5
Total (22 years).....	19,270,229	54.5	21.3	24.3	9.9	14.3

¹ Includes sec. 32 and sec. 416 food donations, only.

² Includes sec. 6 food donations.

Although the National School Lunch Act¹ does not require it, the Department of Agriculture regulations, including the most recent dated September 23, 1968, implementing Public Law 90-308, the child nutrition program, specifically provide that any school which operates its food or milk services under a contractual arrangement

¹ To this effect, see the opinion of the General Counsel for the Department of Agriculture for O. V. Wells, Administrator, Agricultural Marketing Service, Op. General Counsel, No. 27, May 2, 1956.

with a food service management company or concessionaire, or under a similar arrangement, is not eligible for participation in the program, even though the school operates its lunch program on a non-profit basis.

The Department recently modified its regulation in this area but only insignificantly. It agreed to authorize perhaps six trial projects under narrowly controlled circumstances, but for reasons of insufficient local funds and no assurance of Government authorization beyond 1 year, none of these has come to fruition up to now as far as we know.

Let me illustrate the restrictive interpretation of the program. If a school board, after surveying its local situation, finds a lack of qualified personnel available to manage its school lunch program, it cannot turn to industry for help . . . not without being penalized. Should the school board decide to solve its problem by retaining a professional food service management company, it disqualifies itself from benefits under those three programs . . . even though the board is otherwise willing and does comply with the remaining regulations of the Department of Agriculture relating to the standards of eligibility for such programs. This penalty applies even if the school board's contract with the food service company limits the firm's fee to either a fixed amount or percentage of the volume. This disqualification means a loss of thousands of dollars worth of cash, milk, and commodities each year and the probable result that children will have to pay more for their lunch, or the size of the lunch must be smaller for the price paid, or the lunch service in the particular schools must run at an even greater deficit.

The food service management industry, together with many school districts, has protested against this regulation to the Department of Agriculture for years. The restriction may deprive the school district not only of the right to avail itself of professional management help, but also of access to the available manpower supply. This regulation forecloses the right of all but the most affluent communities to go the professional management company route, since to do so they must do without subsidies. This discrimination is not only unrealistic, but also contradicts the purpose of the program itself.

The National Education Association and the National School Boards Association have opposed the regulations (see the Congressional Record of April 17, 1968, page S4169.) So has the U.S. Commissioner of Education (see Congressional Record of April 17, 1968, page S4170).

It may be helpful to examine the reasons advanced by the proponents of the Department of Agriculture's restrictive regulation against the facts:

1. The use of food service management companies in the elementary or secondary school lunch service increases costs.

Well, there is also the strong likelihood that it would decrease costs in many schools through greater efficiency and less waste. Which would be the case can only be determined locally. And investigation and the right to decide should be left to individual boards of education.

2. Outside food service companies, being motivated by the profit objective, will tend to serve the children what the children want rather than what is nutritionally adequate.

The fact here is that requirements for the "type A" lunch are specifically stated in the Department of Agriculture regulations. They can certainly continue to be met by the school through the medium of a food service management company. With more professional and appetizing preparation of the food, more of the children would be likely to participate in the school lunch program and thus more "type A" lunches would be eaten. It is also clear that if the local school board would hire a professional service company, it could also fire that company if the lunches did not measure up in all respects.

3. There can be no free lunches for the needy if the school's lunch program is operated by a food service management company.

This is most misleading inasmuch as the school administrator has the authority to provide the free meals when funds are made available by the State school food service director. The school district determines the number of requests for free meals to honor. The contractor is merely reimbursed for food, labor, and supplies and paid a management fee for his service, regardless of what the gross receipts actually amount to.

4. The monitoring job of the Department of Agriculture to insure that "type A" lunch standards are met by each participating school would become more difficult if schools are permitted to employ food service management companies.

The answer to this is very clear :

Monitoring of all Government-funded programs is the responsibility of the regulatory agency no matter who operates the food service.

5. "The Department of Agriculture would feel differently if all potential food service management companies were as qualified as your company, but they are concerned about schools hiring poorly qualified companies."

School boards are responsible for making multimillion dollar decisions wisely in the purchase of land, in the construction of buildings and in the hiring of teachers. They can be expected to exercise similar good judgment in determining the qualifications of a food service company.

Parenthetically, having served on school boards, I would suggest that a school principal can do more damage through the selection, poor selection of his faculty than he can through the poor selection of his food service company. Yet he is restricted in the operation of the school lunch program and is unrestricted insofar as a Federal agency in Washington is concerned, an administrative one to boot, providing in terms of selection of the teachers for the faculty and the selection and building of the environment in which the processes of education take place.

In addition to service to schools, hospitals, industrial and other markets I have already mentioned ARA has just completed operation of food service facilities at 34 summer camps, principally Boy Scout camps. We are also working for public schools at both the elementary and secondary levels, unfortunately at a cost to them of disqualification from participation in the departments program. We currently serve 20 such schools in New Jersey where the boards of education have chosen to employ our professional food service management despite the fact that it means loss of the subsidies. The fact

that they have continued to employ our services, in some cases since 1956, reflects satisfaction both with the food and student participation. Student participation higher than that of most public schools operating their own programs. We feel this is due to the fact that the food is better prepared, a more appetizing variety is offered and at comparable prices to participating schools elsewhere in the State.

6. "Volunteer help would not be available to the food service."

This is not reasonable. Why can't a food service management company utilize and direct volunteers? Any savings so realized would be reflected in its accounting under its management fee contract with the school. Incidentally, all volunteer help handling food are required by law to pass food handlers' examinations.

I might add here, parenthetically, that in our hospital division, we make use of a lot of volunteer people who participate in the operation of hospital food services as a part of their own community service and we feel just as competent and capable of using those people and the input of enthusiasm which we generally get from them in the school lunch program, as we do in any volunteer help area.

A further inconsistency in the present situation is that the administration has been constantly urging the private sector to cooperate more in the public sector. This regulation precludes such cooperation in an area where the industry could perform an efficient and valuable service.

For these reasons, gentlemen, it is our sincere conviction that the removal of this regulation as it affects the entire school lunch pre-school child nutrition and related programs would produce a number of distinct benefits for the youth of the Nation:

1. In many cases, the nutritional quality of the school lunches would be distinctly improved through professional preparation and awareness of food preference trends.

2. More attractive, better tasting food would increase student participation in the school lunch program.

3. More efficient use of money and commodities through elimination of waste.

4. Improved efficiency through granting individual school boards the option of employing either self-management or professional management, depending on local conditions and availability of people and talent.

5. Trained, professional food service personnel would be made available to help resolve the problems of the school lunch program.

I want to add a sixth which was omitted in the typing of this, that we would be permitted or we would help reach areas now not served by existing school lunch delivery systems.

In order to remove these restrictive regulations, we call your attention to the amount of the following proposed amendments to the National School Lunch Act and the Child Nutrition Act which are contained here and which were submitted to the committee yesterday by Admiral Nunn. We suggest that:

Section 2 of the National School Lunch Act (42 U.S.C. 1751) be amended by adding at the end thereof, the following new sentence:

A school shall not be excluded from the benefits under this chapter merely because it engages the services of a food service company on a fee-for-service basis provided the school-lunch program would otherwise qualify for benefits

under this chapter, and provided further that the school retains the right to control the quality, and extent of the general nature of the food service and the price of the food to be charged to the children.

Section 12, Paragraph (c) of the National School Lunch Act (42 U.S.C. 1760) be amended by eliminating the period at the end thereof, and adding the following language:

Nor shall the Secretary or the State impose any requirement inconsistent with the Congressional declaration of policy as stated in Section 2 of the act.

Section 9 of the Child Nutrition Act (42 U.S.C. 1778) be amended by adding the following sentence at the end thereof:

A school shall not be excluded from the benefits under this chapter merely because it engages the services of a food service company on a free-for-service basis provided the school-lunch program would otherwise qualify for benefits under this chapter, and provided further, that the school retains the right to control the quality and extent of the general nature of the food service and the prices of food to be charged to the children.

Section 10 of the Child Nutrition Act (42 U.S.C. 1778) be amended by eliminating the period at the end thereof:

A school shall not be excluded from the benefits under this chapter merely because it engages the services of a food service company on a fee-for-service basis provided the school-lunch program would otherwise qualify for benefits under this chapter, and provided further, that the school retains the right to control the quality and extent of the general nature of the food service and the prices of food to be charged to the children.

Section 10 of the Child Nutrition Act (42 U.S.C. 1778) be amended by eliminating the period at the end thereof and adding the following paragraph:

Provided, however, that such regulations shall be consistent with the Congressional policy as expressed in section 9 of this act.

In an atmosphere of mounting criticism of the effectiveness of the school lunch program. I applaud the establishment in section 16(a) in S. 2548 of a National Advisory Council on Child Nutrition charged with the responsibility of making a continuing study of the operation of programs carried out under the National School Lunch Act, the Child Nutrition Act of 1966, and any related act under which meals are provided for children, with a view to determining how such programs may be improved.

However, the composition of the committee leaves a great deal to be desired. Of its 13 members, one will be a school administrator, a second a State superintendent of schools, a third will be a State school lunch director and five more will be employees of the Department of Agriculture. Thus, eight of the members will have a vested interest in existing programs. The ninth, a school board member, will be beholden to the first eight. The 10th and 11th, a person engaged in either child welfare or vocational education work, respectively, will in all probability be employees of some governmental subdivision. Only two out of the 13, therefore, could possibly come from the private sector which we have asserted represents an enormous potential contribution to the whole school lunch program.

Not only do we think that both of these remaining two members should come mandatorily from the private sector but that the whole composition of the Council ought to be rethought from this point of view.

Mr. Chairman, I can only add in closing that I would certainly add my emphasis to the statements which Dr. Perryman made in stating that we need more nutritional education, not only among adults but certainly in the school system and the preschool area. Headstart, I think, has done a tremendously outstanding job in bringing this whole concept of having us understand from childhood on that we are in effect what we eat, and that nutrition is an important part of our daily lives and our health.

The second thing I would certainly want to underline, having heard Mr. O'Hearn from Boston, is that we are facing a crisis. I have had much contact with Senator McGovern's committee, particularly in reading some of the work which Dr. Arnold Schaeffer of the Department of Health, Education, and Welfare has done for the first time, making nutritional evaluations around the country to determine the state of malnutrition and hunger in this country. As you all know, it is no longer a secret, we do have in this great area of affluence areas in these United States where there is not just malnutrition, which knows no income level, but there is hunger and, in some areas, starvation.

So we certainly applaud the need that is being highlighted by Senator McGovern and do emphasize along with Mr. O'Hearn that this is a crisis and something should be directed to solve it.

I happen to be serving at this point as one of the panel chairmen at the forthcoming White House Conference on Food, Nutrition, and Health. We expect that this whole problem of malnutrition and hunger will be getting national attention when this conference convenes here in Washington December 3, 4, and 5.

Let me close on this somewhat overworn analogy.

Recently, we saw two men walk on the moon. They were placed there by a tremendous effort, which was a joint effort of both the private sector, if you will, the for-profit sector of our economy as well as the nonprofit sector. It was through their coordinated effort that this was able to be done. There was certainly nothing wrong, as we all agreed and apparently as the people who planned this effort felt, in making use of the efforts, the skills, and the responsibilities of the private sector to accomplish that. Our plea here is that you, in the deliberations of your committee, do what you can to change the School Lunch Act so that the resources of American industry in the food business can be used to do something to improve and extend the benefits of the school lunch program, particularly to the 11 million children in this country who now are not reached by it.

At this time, I would be pleased to answer any questions that you may have.

The CHAIRMAN. You stated awhile ago that your association was employed in New Jersey?

Mr. STEPHENS. Yes, our company is employed in New Jersey.

The CHAIRMAN. Was that in school lunch programs?

Mr. STEPHENS. Yes, it is in public school lunch programs and our presence there disqualifies them from the Federal assistance in these programs, but they decided they would rather have us than the Federal aid, because we have been able to reduce their costs and improve the acceptability and student participation.

The CHAIRMAN. How many schools?

Mr. STEPHENS. Twenty schools.

The CHAIRMAN. Are they in large cities?

Mr. STEPHENS. They are in suburban areas, principally.

The CHAIRMAN. What do you do for them?

Mr. STEPHENS. We do everything for them. They give us the keys to the facility. We buy the food, prepare it, serve it, and we account for it.

The CHAIRMAN. You hire all the people?

Mr. STEPHENS. We hire the people, we train them. We hire the people who are there, generally, on the scene.

The CHAIRMAN. And you are contending that it is cheaper for them to do that?

Mr. STEPHENS. In some cases, we have reduced the costs, their previous costs, which include the Federal aid that they received.

In some schools, we are dealing with schools that are in relatively affluent segments of our society in suburban areas, where they are interested in more satisfaction of the student and they are not primarily concerned with the type A lunch. They are concerned with costs and this is a lot different approach than a school superintendent in a ghetto area may be concerned with.

The CHAIRMAN. Well, what is the average cost of a meal produced by your organization in contrast to the average school lunch cost?

Mrs. ROBERTSON. In New Jersey, the cost of a meal is 35 cents in elementary and in secondary, it is 40 cents. The price of our meals do not exceed that. We have no other funds to draw from. We provide the equipment of a class A type meal to the students in those 20 schools within that monetary allowance and returned to all but six schools money over and above what was needed to provide the service. We have the records to document this, sir.

The CHAIRMAN. Do you know what the contribution would have been to those schools that they did not take in order to have you?

You said in your statement, as I understand it, that these schools went on their own.

Mr. STEPHENS. Yes.

Mrs. ROBERTSON. Twenty schools.

The CHAIRMAN. Whatever it was, 20 schools. And they were no longer dependent on what the Government gave them. They preferred to forego that and use you.

Mr. STEPHENS. Yes.

The CHAIRMAN. Do you know what the amount was involved that they gave up?

Mrs. ROBERTSON. The amount of Federal funds?

The CHAIRMAN. Yes, Federal and local funds, in order to have you.

Mrs. ROBERTSON. Senator Ellender, I do not have that, but we have it recorded and I will make it available to you.

The CHAIRMAN. I wish you would, because that would be a good way to make your case. In other words, if these 20 schools were entitled to a certain number of dollars from the Federal Government that they did not get but sought to employ you and that you were able to return funds, I think that would make a good case.

Mr. STEPHENS. I agree with you.

The CHAIRMAN. So if you can present that.

Mr. STEPHENS. I will be glad to submit it to you.

The CHAIRMAN. How long do you think it will take you to do that?

Mr. STEPHENS. A few days. We have all the information. We do not have it here.

Mrs. ROBERTSON. We can authenticate this with records from the 20 schools, because they have documented their case.

The CHAIRMAN. Now, were these 20 schools within the program, the national school lunch program?

Mrs. ROBERTSON. At one time, they were in the national school lunch program.

The CHAIRMAN. And they were before you took over?

Mrs. ROBERTSON. That is right, and we started actually back in 1949 with the first one and then continued to and at this time, we have 20 schools.

(The information is as follows:)

NEW JERSEY PUBLIC SCHOOL LUNCH PROGRAMS—MANAGED BY, ARA SLATER SCHOOL AND COLLEGE SERVICES

Name of school	Location	Date of opening service	Enrollment 1968-69	Meal price to students ¹	Closed ²	Revenue refund ³	Federal contribution ⁴
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Pascack Hills High School.....	Montvale, N.J.....	Sept. 10, 1964	1,180	\$0.42	×	×	\$41,300
Pascack Valley High School.....	Hillsdale, N.J.....	Jan. 3, 1961	1,280	.42	×	×	44,800
Hoboken High School.....	Hoboken, N.J.....	Mar. 18, 1963	1,425	.35	-----	-----	49,875
Long Branch High School.....	Long Branch, N.J.....	Sept. 7, 1962	1,450	.45	×	-----	50,750
Long Branch Junior High School.....	do.....	do.....	1,290	.45	×	-----	45,150
North Bergen High School.....	North Bergen, N.J.....	Nov. 1, 1961	2,380	.45	×	×	83,300
Kawameeh Junior High School.....	Union, N.J.....	Sept. 10, 1956	955	.35	×	×	33,425
Burnet Junior High School.....	do.....	do.....	1,200	.35	×	×	42,000
Union High School.....	do.....	Sept. 12, 1949	2,250	.35	×	×	78,750
Hillside Junior High School.....	Cranford, N.J.....	Feb. 15, 1965	1,050	.40	×	×	36,750
Orange Junior High School.....	do.....	do.....	1,060	.40	×	×	37,100
Cranford High School.....	do.....	do.....	950	.40	×	×	33,250
East Paterson Memorial High School.....	East Paterson, N.J.....	Sept. 6, 1967	1,600	.42	×	×	56,000
John F. Kennedy Elementary School.....	North Bergen, N.J.....	Sept. 7, 1966	700	.42	-----	-----	24,500
Benjamin Franklin Elementary School.....	do.....	do.....	630	.42	-----	-----	22,050
Robert Fulton Elementary School.....	do.....	do.....	1,000	.42	-----	-----	35,000
Horace Mann Elementary School.....	do.....	do.....	1,400	.42	-----	-----	49,000
Total.....			21,800				763,000

¹ Meal is equivalent to type A hot plate and includes bread, butter, and milk.

² In a closed school students are not permitted to leave the school during the lunch period.

³ Revenue refund is the moneys returned to the school after all costs of operation including the management fee are paid.

⁴ Value of Federal assistance not available to the school in accordance with Department of Agriculture regulations. Basis .020 per day per student enrolled, 175 days.

The CHAIRMAN. How do you obtain the funds? From the State or the children?

Mr. STEPHENS. We are paid by the school.

The CHAIRMAN. By the school?

Mr. STEPHENS. Yes; we submit a bill to the school which contains all costs of operation, which they audit, plus our fee. There is no profit in a sense that we have a variable income. We charge the school a fee for providing our professional service and it is either a percentage of costs or, in most cases, a fixed-dollar fee.

The CHAIRMAN. Would you know whether or not these funds come from the same sources, let us say, as the funds to pay teachers?

Mrs. ROBERTSON. The funds come from the students' participation and a small amount of nonfood funds from the State of New Jersey.

The CHAIRMAN. Would you be able to furnish how much came from the children and how much came from the State so that we could have that before us?

Mrs. ROBERTSON. Yes, we can.

The CHAIRMAN. If you will do that, I think it will strengthen your case a good deal. We had Admiral Nunn testifying here yesterday and Mr. Coughlin from the Canteen Corp. Is your association about the same?

Mr. STEPHENS. We are competitors.

The CHAIRMAN. Did you read their record?

Mr. STEPHENS. Yes.

The CHAIRMAN. As I understood them, they said they would not recommend that food be prepared by an association and then, because of sanitary conditions, it would have to be put on——

Mr. STEPHENS. I do not think you can generalize about that. As you may remember, when the McGovern committee recently had hearings at which the Urban League met——

The CHAIRMAN. I remember that very well.

Mr. STEPHENS. We brought you in a lunch and put it there. Now, this is a lunch which is being prepared off premises in a commissary, delivered to downtown Washington to feed some impoverished senior citizens that are brought together under the auspices of the Urban League.

The CHAIRMAN. As I recall, those lunches cost \$2 apiece.

Mr. STEPHENS. That is right.

The CHAIRMAN. And the recipient paid only 25 cents.

Mr. STEPHENS. That is right. That was a prototype program with a Federal grant from HEW to conduct a pilot project. My point is that there are all kinds of food-delivery systems. I would not say that only one system can be used or should be used.

One of the ways in which you are going to reach these 11 million kids who are going to schools where there are no school facilities is to take the food to them. It is possible to do that. It may cost a little more money in some cases. We do not know that, since we have not tried it. We have not been permitted to try. But to reach into those urban ghetto areas with a food-delivery system is not going to be the same kind of system as preparing food for students out in Montgomery County or Baltimore or the more affluent suburban community. The menus may be the same, the food may be the same, the nutritional value may in most cases be the same or better, because you are putting more nutrition in the lunch for the child in the ghetto area, rather than the lunch for the student who is coming from breakfast at home and going home to dinner at night.

The CHAIRMAN. As I recall the testimony before the McGovern committee, there were seven or eight employees of the Federal Government managing this.

Mr. STEPHENS. There were some volunteers from the Urban League and some paid employees hired by the Urban League.

The CHAIRMAN. I mean the one where the cost was \$2 and the recipient paid 25 cents.

Mr. STEPHENS. I think I can clarify that for you. All the cost of the food, the service, packaging, transportation, and server pickup is included in the cost of \$2.

The CHAIRMAN. You mean for the management?

Mr. STEPHENS. Yes; management and everything, complete cost. Distribution, cleanup afterward, everything else. There were on the scene some ladies who were there as volunteers from the Urban League, who were there as hostesses. The whole part of the impact of that program was not simply to provide lunch for these people, but was to bring senior citizens to a point where they could get together and relate to each other, and they had people from the Urban League who assisted in that program. But we did all the work, both before and after the service of lunch.

Mrs. ROBERTSON. Sir, this was one-half of their daily nutritional requirement, rather than one-third of their daily requirement. This was a request placed in the contract by the Urban League.

Mr. STEPHENS. I am not suggesting that that is how you reach 11 million children who are going to schools where there are no food-service facilities. I am suggesting that there are a variety of food-service systems which are used by professional companies that are involved in this as their work and can be adapted to fit these needs. I think we ought to be looking at the use of some of these systems if we are going to get at the solution of some of these problems.

The CHAIRMAN. I agree with you. There are a lot of schools, I know, in large cities where there are hundreds of students, children, and it might be well to plan as you suggest. From the evidence produced so far before the McGovern committee as well as here lately before this committee, you might be able to devise some ways and means of doing what you plan. That is why I suggest that you round out your statement by furnishing the facts about this New Jersey case.

Mr. STEPHENS. We will be glad to do it.

Mrs. ROBERTSON. Senator Ellender, may I add one thing?

In the existing regulations in the Department of Agriculture, there exists a discrimination within our own industry. If we were to provide the meals from our commissary, we could prepare them, package them and distribute them to the loading docks of the school and this is accepted. One of our corporations has the commissary operation. This type of operation is accepted. But at the same time, in the same industry, in the same company, if we were to go in and do the same job on the premises with our people, it is not authorized. I would like to have the Agriculture and Forestry Committee give this some thought.

The CHAIRMAN. That might be a quirk in the law for all I know.

Mrs. ROBERTSON. That is an interpretation of the Department of Agriculture in their regulation. It does not exist in the law.

The CHAIRMAN. I think you said it was left to the Department, to Mr. Hardin, to do it. I think he has authority to permit that if he chooses.

Mr. STEPHENS. That is true.

The CHAIRMAN. That is in the law as I remember.

Mr. STEPHENS. The law does not prohibit the use of a food service contract. It is the interpretation of a law by the administrative official. It was not the intent of the Congress so far as we could determine that this bar be placed on a company like ours. This has been an administrative ruling that has perpetuated for 14 or more years. This is what we think ought to be changed. We think the bars should be taken down and the children in this country should have access to the expertise and

the skills which are in one of the finest industries in the country, the food service industry.

The CHAIRMAN. I presume you would be satisfied with an amendment by the committee.

Mr. STEPHENS. That is what we would like, yes, sir.

Mrs. ROBERTSON. And we will prove our statements.

Mr. STEPHENS. That is right. We will demonstrate what we can do.

The CHAIRMAN. Senator Moss was unable to be here this morning and his statement will be inserted in the record at this point.

STATEMENT OF HON. FRANK E. MOSS, A U.S. SENATOR FROM THE STATE OF UTAH

Mr. Chairman, I appreciate the opportunity of appearing here this morning. I am a cosponsor of S. 2548, the bill introduced by Senator Talmadge to amend the National School Lunch Act and the Child Nutrition Act of 1966, and I commend the committee for moving so swiftly to strengthen and improve the food service programs for children now that we have cleared the comprehensive revision of the food-stamp program through the Senate. We must cover all fronts if we are to combat hunger and malnutrition in this country.

I have long supported the School Lunch Program. It has been a wonderful instrument for improving nutrition for millions of American children. Its enactment in 1946 was one of the legislative milestones of the last twenty-five years. I understand that the Chairman of this Committee (Senator Ellender) was one of the original architects of the program—we owe him a debt of gratitude.

But the time has come, certainly, when we should greatly broaden and strengthen the program—when we should make sure that meals will be offered to all school children in the same manner as public education is offered, without regard to where the student lives or the amount of taxes his parents pay.

Food is an important educational tool. No child can learn as well, or as swiftly, when he is hungry, or when he is undernourished generally.

I will not take the time to list each of the provisions of S. 2548, because I know the committee is thoroughly familiar with them, but I will mention a few which I feel are most important.

The bill prohibits overt identification of children who are unable to pay the full charge asked by the school or the service institution. Why we haven't done this long ago I don't understand. Certainly, the child who cannot pay should not be identified to his class mates.

The bill also provides for advance planning by school administrators by authorizing the appropriation of funds a year in advance of their use. This we must do not only for the school lunch program, but for all other programs which allocate Federal funds to our schools. It is chaos otherwise for our schools—they have no idea whether they can, or cannot, depend on Federal funds in drawing up their budgets.

I like also the provision which makes funds available for the purchase or expansion of equipment for school lunches. This has been needed for a long time.

Probably one of the most controversial of the items in the bill is the one which requires greater state participation in the funding of the school lunch program. It would insure that the state must pay part of the cost of child nutrition out of state revenues, rather than depending entirely on the funds which come from the dimes and nickles the students pay for the lunch themselves.

Let me say that my state of Utah has more than fully matched Federal funds through its School Lunch Law for some time, so this will not mean an immediate change for us. We think it most important that we provide administrative and program funds from a special tax for this purpose. As the program is implemented to reach a higher percent of Utah children the state will provide matching funds as required.

Mr. Chairman, I feel very strongly that all of the children in our country should be involved in school and non-school food programs. The potential benefits are varied and far-reaching. The School Lunch Program not only contributes immeasurably to the nutrition of the children in the community, but has some concomitant values in applied foods knowledge which go back to the homes and communities.

However, it has become evident that there must be more food education in the child-feeding program if we are to achieve our ultimate objectives. We have found that exposing children to a well-balanced meal has not always increased the child's ability to discriminate and choose intelligently the wholesome food that contributes to health throughout life.

The need for all food for health programs to be fostered, coordinated and implemented, as a unit of our public education programs, is obvious. Along with this laboratory for learning, the tie-in with education and learning activities alone will assure a measure of success for both general education and for achievement of effective human nutrition.

I hope that we can expand our child nutrition programs to cover more than just a good noon-time meal each day, but that we can extend the knowledge which will help both them and their families to choose and eat well balanced meals.

Mr. Chairman, I realize the need for fiscal belt tightening to reduce government spending, but I don't believe that the place to start is with children's stomachs. We will receive dividends many fold if we give our young people an opportunity to grow into healthy adults, utilizing their full capabilities as productive citizens.

The CHAIRMAN. Is there anybody else who wants to be heard?

(No response.)

The CHAIRMAN. If not, we will recess until 10 o'clock tomorrow morning.

(Whereupon, at 12:50 p.m. the committee recessed to reconvene at 10 a.m., Wednesday, October 1, 1969.)

SCHOOL LUNCH AND CHILD NUTRITION PROGRAMS

WEDNESDAY, OCTOBER 1, 1969

U.S. SENATE,
COMMITTEE ON AGRICULTURE AND FORESTRY,
Washington, D.C.

The Committee met, pursuant to recess, at 10 a.m., in room 324, Old Senate Office Building, Hon. Allen J. Ellender (chairman) presiding.

Present: Senators Ellender, Talmadge, Aiken, Young of North Dakota, and Dole.

The CHAIRMAN. The committee will please come to order.

I received a letter from Senator Hansen. I ask that this letter be put into the record, as well as the proposed amendment which he thinks is necessary.

Senator TALMADGE. I have not seen the letter yet.

(The letter referred to follows:)

U.S. SENATE,
Washington, D.C., September 24, 1969.

HON. ALLEN J. ELLENDER,
*Chairman, Committee on Agriculture and Forestry,
U.S. Senate,
Washington, D.C.*

DEAR MR. CHAIRMAN: I understand that amendments to the National School Lunch Act and the Child Nutrition Act of 1966 will come before your committee shortly.

Some of the language of H.R. 515 concerns me, as I believe it would have an extremely detrimental effect on the State of Wyoming, as well as other states.

The phrase "state tax revenues," as used on page 3, line 16, and page 3, line 25 of H.R. 515 could be interpreted so as to limit to *tax* revenues the funds that would be available for matching purposes.

In Wyoming, much of the funding of education is through interest and land income payments. These are not "state tax revenues", but rather merely "state revenues".

I have submitted an amendment to your committee, a copy of which is enclosed, concerning this provision of H.R. 515.

Senator Talmadge's bill, S. 2548, is very similar to H.R. 515, except that S. 2548 refers to "state revenues", rather than "state tax revenues".

I would respectfully request that, when your committee reports either H.R. 515 or S. 2548, the phrase "state revenues" be included in lieu of "state tax revenues".

Thank you for your consideration.

With kind regards,

Sincerely,

CLIFFORD P. HANSEN,
U.S. Senator.

[H.R. 515, 91st Cong., first sess.]

AMENDMENTS Intended to be proposed by Mr. Hansen to H.R. 515, an Act to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions,

viz: On page 3, line 16, strike out "State tax revenues" and insert in lieu thereof "State revenues".

On page 3, line 25, strike out "State tax revenues" and insert in lieu thereof "State revenues".

The CHAIRMAN. There is also a statement by Senator Nelson of Wisconsin, a letter from Mr. McLain, legislative director of the American Farm Bureau Federation, and a telegram addressed to Senator Cotton. They will be inserted in the record at this point.

(The documents referred to follow:)

STATEMENT OF HON. GAYLORD NELSON, A UNITED STATES SENATOR FROM
THE STATE OF WISCONSIN

Mr. Chairman, I appreciate this opportunity to present this statement in support of S. 2152, a bill to enable our nation's school children to receive top priority for surplus dairy products.

This legislation would assure that the National School Lunch Program receives first call in the distribution of butter, cheese, dry milk and other dairy products obtained by the U.S. Department of Agriculture through price support programs.

It has been deeply disturbing that our current food distribution programs are failing to reach those people with the greatest need.

A prime example is the present National School Lunch Program which is available to only 19 million of the 51 million American children attending public schools today.

A more shocking fact is that the poor child who needs a free or reduced price school lunch the most is not getting it today. While some two million needy children are now receiving lunches free or at a token price, nearly that many more who qualify for a free lunch are not presently being reached.

By using dairy products as the foundation for expanded lunch and snack programs, this unfortunate gap could be closed.

Currently, surplus dairy commodities held by the Department are initially earmarked for domestic commercial trade or foreign export at competitive prices. They are only available for the School Lunch program after these distribution channels are exhausted.

S. 2152 would also enable the Department to purchase dairy products at market prices from regular commercial sources when surpluses on hand do not meet the full needs of the School Lunch Program.

Dairy products form the nutritional foundation of our National School Lunch Program. With the enactment of this legislation, we will give the health and well-being of millions of American children top priority in the fight to eliminate hunger from our land.

One of the best possible investments which can be made of the surpluses held by the Department of Agriculture is to take them out of the warehouses and use them to build a strong and healthy new generation, well-nourished and ready to learn.

Although milk and dairy products have been generally available for school lunch programs, conditions do arise which threaten to cut off the supply of dairy products and serve to point up the need for this corrective legislation.

The present legislative authority for the disposal of dairy products acquired by the Department's Commodity Credit Corporation in connection with the price support programs is found in section 416 of the Agricultural Act of 1949, which was amended by Public Law 480.

This section permits stocks of food in the hands of CCC which cannot be sold back to the domestic commercial trade or exported at competitive world prices to be used for school lunch, domestic relief programs, and charitable institutions. They can also be bartered for strategic materials and products not produced in the United States. If not needed for these purposes, they can be disposed of for foreign relief.

Thus, there are certain priorities for their use. In general, the first priority is domestic or export sales; the second is domestic relief and school lunch; and the third is foreign relief.

This creates a problem when CCC stocks of dairy products are lower than usual. The Department of Agriculture has taken the position that stocks on hand might be commercially sold domestically or exported, with not enough left to meet the needs for domestic relief. Consequently, the agency has restricted the

use of dairy products in domestic relief programs, and there was very real concern that the use of dairy products in the school lunch program might also be affected.

This situation is likely to become more serious as production of milk and dairy products more nearly approaches demand.

This legislation would correct this possibility by permitting the needs of the school lunch program to be met first from the Department's surpluses.

WASHINGTON, D.C., September 25, 1969.

HON. ALLEN J. ELLENDER,
Chairman, Senate Agriculture and Forestry Committee,
U.S. Senate, Washington, D.C.

DEAR SENATOR ELLENDER: We are taking this means of expressing views of the American Farm Bureau Federation on legislation now before your Committee relative to the school lunch program.

Farm Bureau for many years has maintained an active interest in efforts to provide school children with wholesome and nutritious meals while away from home. Farm Bureau supported the school lunch legislation in 1946, and has continued to support the program since that time.

Voting delegates to the most recent annual meeting of the Farm Bureau adopted a statement of policy calling for continuation of the program as follows:

"The national school lunch and special milk programs have proved beneficial to school children. The programs have helped to establish proper dietary habits among our young people. We recommend their continuation. Only domestic food should be used for this purpose.

"It is important that the general public understand that the chief beneficiaries of the national school lunch and special milk programs are school children."

We respectfully request that this letter be made a part of the record of the hearing on S. 2548 and other legislation considered during the Committee's hearing of September 29.

Sincerely yours,

MARVIN L. McLAIN,
Legislative Director, American Farm Bureau Federation.

CONCORD, N.H., April 11, 1969.

Senator NORRIS COTTON,
Washington, D.C.:

We urge you to vote against H.R. 515 section 2(B) in its present form. As you know our general court is having extreme difficulty in completing a budget for the next biennium. Most deliberations now over. It would be extremely difficult or impossible to obtain State matching funds for 1970-71 at this late date. Requirements for State matching should be deleted or at least postponed until 1971-72. Present bill could force our withdrawal from national school lunch program.

NEWELL J. PAIRE,
Commissioner, Department of Education.

The CHAIRMAN. Here is a statement by former Congressman Biemiller, director of the department of legislation of the American Federation of Labor and Congress of Industrial Organizations.

(The statement referred to follows:)

STATEMENT OF ANDREW J. BIEMILLER

Mr. Chairman, the AFL-CIO representing as it does 13½ million American workers and millions more members of their families, has strongly supported the programs authorized by the National School Lunch Act and the Child Nutrition Act. But our support, as enthusiastic and consistent as it has been, has not blinded us to the shortcomings of the Acts and the need for reforms to make them more effective instruments for providing nutritious meals for young Americans.

We recognize that there are literally millions of children in our nation—many of them from needy families—who are not participating in school feeding programs. This is true, unfortunately, in all parts of the country.

Hunger in this most affluent of all nations is unconscionable. But when the hungry are children, it is even more deplorable. We are pleased with the current legislative attack on a part of the problem, exemplified in the Senate passage last week of a very meaningful food stamp reform bill. But the passage of an improved, more comprehensive food stamp program will not alone solve the problem. We must complement that action with equally meaningful and comprehensive legislation to improve school feeding programs and bring their benefits to more school children—particularly those from low-income, needy families.

We supported H.R. 515 and H.R. 11651 when they were before the House of Representatives. We recognized in supporting them that they proposed a number of needed improvements in our child feeding programs. But we also recognized that more would be required in the way of legislative authority and appropriations to bring the benefits of the programs to all who need and are entitled to them.

Mr. Chairman, we are pleased to submit for the hearing record this statement in support of S. 2548, sponsored by Senator Talmadge and seven of his colleagues. We wish to commend Senator Talmadge and the other sponsors for the leadership they are providing in the effort to expand the school lunch program so that it will reach more American youngsters. The bill, if enacted as we hope it will be, will not be the last word on the school lunch program. More will be needed to make the program the effective nutritional instrument we all hope it will one day be. But S. 2548 is a comprehensive measure which addresses itself to a number of the shortcomings of child feeding programs as they now exist—not the least of which has been the lack of adequate funding.

The provisions for advance funding, the emphasis of the bill on feeding more needy children, the effort to bring state revenue into the funding picture in a more meaningful way, the authorization of greater assistance in the purchase of food service equipment and operating expenses incurred in obtaining, preparing and serving food, the proposal for a National Advisory Council on Child Nutrition—these as well as other forward-looking provisions in S. 2548 combine to make it a measure which ought to command broad support in the Congress and assure its prompt enactment.

It is not our intention to summarize the provisions of S. 2548 in detail. The members of your subcommittee are well aware of them. We simply wish to express our strong endorsement of the bill and to urge favorable action upon it. We appreciate this opportunity, Mr. Chairman, to reiterate our support for legislative efforts to strengthen our federal child feeding programs which are so vital to the national goal of eliminating hunger and malnutrition in our country.

The CHAIRMAN. We will place in the record a letter addressed to me by Governor Mandel of the State of Maryland.

(The letter referred to follows:)

EXECUTIVE DEPARTMENT,
Annapolis, Md.

Hon. ALLEN J. ELLENDER,
Chairman, Senate Agriculture Committee,
245 Old Senate Office Building,
Washington, D.C.

DEAR SENATOR ELLENDER: On July 21 the House of Representatives gave almost unanimous approval to HR 11651, a bill to amend the National School Lunch Act which is now pending before the Senate Committee on Agriculture.

This measure would make available an additional \$100,000,000 for lunch programs for needy school children and would permit the addition of 1,000,000 children to existing programs. Its passage is vital to the State of Maryland.

It is my hope that your committee will give early consideration to this matter which is so necessary to the health of millions of American school children who are not now being adequately fed. I know that you have been an outstanding leader in this area for more than three decades in the United States Senate. It is for this reason that I am making this personal appeal to you.

With every best wish, I am

Yours sincerely,

MARVIN MANDEL.

The CHAIRMAN. Is Mr. Devlin here?
Come forward, please.

**STATEMENT OF GERARD F. DEVLIN, NATIONAL RELATIONS
OFFICER, STATE OF MARYLAND**

Mr. DEVLIN. My name is Gerard F. Devlin and I am here representing Governor Marvin Mandel of Maryland and the Governor's Commission of Childhood Nutrition, of which I am a member. Governor Mandel shares the deep concern of members of this committee on the problem of malnutrition and especially malnutrition among our school children. We would like to commend the very distinguished junior Senator from the State of Georgia, the Honorable Herman E. Talmadge for his sponsorship of Senate bill 2548 and his commitment to the concept that no child who comes to school hungry will go home hungry.

I would like to thank you, Mr. Chairman, for your promptness in scheduling hearings on pending bills to amend the School Lunch Act.

Mr. Chairman, statistically speaking, Maryland is perhaps the most typical American State. We rank near the middle of the 50 States in population, in per capita income, in poverty. We are a State with a great industrial base, but also a great agricultural State. We are part of the industrial Northeast, part of the rural South and three counties in Maryland are part of Appalachia.

I point this out, Mr. Chairman, in order to show that Maryland's problems are similar to those of the other 49 States. A close look at hunger in the State of Maryland shows a truly appalling picture, but it is rivaled by conditions in other parts of the United States.

Mr. Chairman, earlier this year Weldon Wallace of the Baltimore Sun wrote a four-part series on hunger in the City of Baltimore. With your consent, Mr. Chairman, I would like to have this series made a part of the permanent record of this committee, in order that all Members of the Senate and all persons interested in malnutrition may look at this factual report of conditions in a large American city.

The CHAIRMAN. Without objection, this will be filed for the use of the members of the committee.

(The series referred to may be found in the files of the committee.)

Mr. DEVLIN. Thank you.

Mr. Wallace points out that the problem of malnutrition in parts of Baltimore is worse than that in some of the so-called "underdeveloped" nations. For example, Mr. Wallace cites a study conducted by Dr. Ray Hepner, who heads the Community Pediatrics Center at the University of Maryland's Medical School. Dr. Hepner, who is also chairman of Governor Mandel's Commission on Childhood Malnutrition, notes that a study which he made of children below school age in Baltimore and in poverty-ridden West Pakistan indicates that iron-deficiency anemia is twice as prevalent among children in Baltimore's inner city as among children in the poorest areas of West Pakistan.

In similar nutrition studies, vitamin A deficiency was found to be far more severe in the poorer parts of the city of Baltimore than it was in Ethiopia. The normal value of vitamin A level in blood serum is considered 37 micrograms per 100 mm. For Ethiopian children, the range is 31 to 50. For inner city Baltimore children, it is 19 to 38. Among 4- and 5-year-olds examined by the Community Pediatrics Center at the University of Maryland, 16 percent had a vitamin A

level below 15 micrograms, less than half the normal. This record is no better than the situation in Thailand and South Vietnam.

Dr. Hepner's investigations also pointed out that among Baltimore inner city children between the ages of 5 and 15 years, 23 percent got less vitamin A than the required daily allowance.

Mr. Chairman, without going on at length, I think that we in Maryland concur with the very accurate appraisal of the effects of malnutrition made by the distinguished Senator from Georgia on the floor of the Senate on July 7, 1969. He said then that "An improper diet in the formative years has resulted in mental retardation, individual lack of energy and initiative in unknown segments of our adult population. The most tragic aspect of this problem is that many of those deprived adults are producing offspring who must endure the same unfortunate cycle of poverty."

I think our experience in Maryland and the studies conducted by Dr. Hepner and others have underscored the accuracy of the Senator's remarks—and I might add—the human tragedy that goes with the repetition of the poverty cycle. Mr. Chairman, in Maryland we are at this time taking dynamic action to alleviate childhood malnutrition. For example, within the past month the Governor has allocated \$1,200,000 to serve 40,500 additional needy children free, or reduced-price meals each day. Further, the Governor has indicated his willingness to recommend additional funds to alleviate this problem.

It has been estimated that there are 90,000 children in need of free or reduced-rate lunches in the State of Maryland. About half of this number are to be found in Baltimore, and the other half in the 23 counties outside of the city. At this time the House Committee on Appropriations is considering the appropriation bills adopted by the House and Senate which include funds for school lunch programs. With these funds, and the supplemental funds made available by Governor Mandel, we still would not have enough money to solve the problem and to feed the 90,000 Maryland children who need free or reduced-rate lunches each day of the school year. It is for this reason that Governor Mandel earlier announced his strong support of H.R. 11651, a bill which would make available \$100 million in additional funds in the present fiscal year, of which Maryland's share would amount to something between \$1.9 and \$2 million.

Governor Mandel urged the members of the Maryland House delegation to give their full support to this emergency measure when it was considered under suspension of rules in the other body. I am happy to report that the Maryland delegation, four of whom are Democrats and four of whom are Republicans, supported this measure unanimously, indicating the fact that hunger is no longer a partisan issue.

Funds along this order are desperately needed, and it is our hope that this great committee will authorize the expenditure of at least the amount of money contained in H.R. 11651.

Mr. Chairman, there are so many other witnesses who have testified upon this same subject that I shall not take the time of this great committee further. I would like to thank you, Mr. Chairman, for your deep and personal interest in this subject, an interest which extends back more than three decades, and Senator Talmadge for his deep and humane interest in the well-being of American schoolchildren. It is my hope, and the hope of Governor Mandel, whom I represent today,

that we can authorize funds to assist the States in providing proper nutrition for our schoolchildren. I commend this committee for its energy and its diligence.

Thank you.

The CHAIRMAN. Mr. Devlin, as you know, in the past, what prevented many States from participating was the money that they had to raise in order to make the program possible. Now, the committee is going to try to work out some plan whereby it would be obligatory for the States to put in a larger proportion. What that proportion is, I do not know as yet. Senator Talmadge, under his formula, has suggested from 10 up to 50 percent of a reduced State and local matching requirement. Then a bill that the administration has more or less endorsed was House bill 515, in which the States would have to furnish from two to as much as 10 percent of the current State and local matching requirement. Do you think the State will go along with that?

Mr. DEVLIN. Mr. Chairman, I might say in behalf of Governor Mandel, there is no problem in Maryland, which has greater priority than this one. The State of Maryland, both the Governor and I am sure the general assembly, are prepared to take any steps necessary to alleviate this problem.

The CHAIRMAN. How long has Maryland had this program, do you know?

Mr. DEVLIN. I do not know, sir.

The CHAIRMAN. Any further questions?

Senator YOUNG. Yes.

Your statement is a severe indictment of the conditions in Maryland when you say it is as bad as or worse than Thailand, Vietnam and Ethiopia.

Mr. DEVLIN. That is correct.

Senator YOUNG. I cannot understand how the State of Maryland let this situation occur. We have not in North Dakota. We spend a lot of money to help our people and we have no such situation in my State.

Mr. DEVLIN. I congratulate the Senator from North Dakota and the Government of North Dakota. In Maryland, we have a new Governor, as I think all Americans are aware. Governor Mandel has decided not to gloss over this situation as some would have him do. Some Members of Congress who have spoken out about hunger in their own States have been criticized, some feel that should all cover up this problem and pretend it does not exist. The Senator from South Carolina, the Senator from Virginia and Governor Mandel and some other forthright political leaders tell it like it is, and it is ghastly, Senator.

Senator AIKEN. I think both sides have exaggerated in order to make their point. But do you think the school lunch program would be administered better if it were done by commercial caterers?

Mr. DEVLIN. I think in some areas this could be better.

Senator AIKEN. Should that be left to the community itself and not be a Federal policy?

Mr. DEVLIN. Right. There are different policies in different areas. In the city of Baltimore, for example, we have 60 schools with no facilities for serving hot lunches. The city of Boston, I believe, has no

elementary schools with facilities for serving hot lunches. In Prince Georges County in the Washington suburbs every school has such facilities. So I think you can see that even within a State it differs so much.

Senator AIKEN. You would continue to give these lunches, breakfasts, and so forth, throughout the year, not just when there is school?

Mr. DEVLIN. The easiest way to solve the problem is using the school as a vehicle, but the Senator knows and I know that we have to go beyond this.

The problem of the preschool child, which I alluded to earlier indicates the effect of preschool malnutrition. I do not know what we are going to do in that area.

Senator AIKEN. That is all.

Senator TALMADGE. I have no questions, Mr. Chairman. I do want to thank Mr. Devlin for his fine statement and thank him for his personal reference.

Senator AIKEN. I would like to thank him for referring to us as a great committee. It has been a long time since anyone paid us that compliment, I think.

The CHAIRMAN. All right, the next witness is Mr. Reuben L. Johnson, director of legislative services, National Farmers Union.

Permission will be granted for him to file his statement.

(The statement referred to follows:)

STATEMENT OF REUBEN L. JOHNSON

Mr. Chairman and Members of the Committee: H.R. 515 and H.R. 11651 were supported by Farmers Union as they passed the House of Representatives on March 24, 1969 and July 22, 1969, respectively.

H.R. 515 amends the National School Lunch and Child Nutrition Acts of 1966 to clarify responsibilities related to providing free and reduced-price meals and to prevent discrimination against children. It revises program matching requirements to strengthen the nutrition training and education benefits of the programs, and otherwise strengthens the food service programs for children in schools and service institutions. H.R. 11651 provides for the transfer of \$100 million in Sec. 32 funds to children feeding programs.

We urge the Committee to give its approval to provisions of these two bills.

S. 2548 strengthens both the National School Lunch and the Child Nutrition Acts of 1966. And, importantly, it authorizes advance appropriations. The provisions of S. 2548 are fully consistent with the need to give special assistance to low income schools and needy children. It establishes a schedule of funding in the area of non-food assistance which we think is essential in helping schools now without a school lunch program to buy the equipment needed for the beginning of such a program. We urge the Committee to approve S. 2548.

S. 2152 would give priority to the National School Lunch Program in the distribution of butter, cheese, dried milk and other dairy products acquired by the United States Department of Agriculture in supporting prices to dairy producers.

Surplus dairy commodities held by the Department are initially earmarked for domestic commercial trade or foreign export at competitive prices. They are only available for the School Lunch Program after these distribution channels are exhausted. S. 2152 would also enable the Department to purchase dairy products at market prices from regular commercial sources when surpluses on hand do not meet the full needs of the School Lunch Program.

We urge the Committee to approve the provisions of S. 2152.

S. 644 provides authority for continuing to operate a Special Milk Program. Authority for this program expires June 30, 1970.

We strongly urge approval of this legislation. The Congress is to be commended for the funding of the special milk program for fiscal 1970 at a level substantially above that requested by the Administration. We are hopeful that the Senate-approved appropriation of \$120 million will be agreed upon when the conferees meet on the Agricultural Appropriations bill.

Mr. Chairman, we strongly concur with regulations of the Department of Agriculture in operating school lunch programs that have rejected wide-scale employment of food service contractors.

We can see where some few school administrators might yield to the high pressure sales line—a sample of which this Committee was given in the course of hearings this week by a representative of the National Restaurant Association. But we believe that the School Lunch Program should be under the direct control of school administrators and their employees.

The regulations of the Department of Agriculture in administering the School Lunch Program does not penalize schools that enter into a contract with a food service company to buy prepared foods. The Department of Agriculture has also seen fit in unusual circumstances to permit the employment of food service contractors in certain areas. To go beyond this, however, we believe would detract in a major way from the school-connected lunch and other feeding programs. Administration witnesses of this and previous administrations have repeatedly referred to the need for better nutritional education.

A school lunch program operated merely for the purpose of providing bodily food needs on a day-to-day basis falls far short of measuring up to the desired standards and goals. The aim is and should continue to be to teach good eating habits and an understanding of nutritional values that will go with a child for all of his or her life. An effectively administered School Lunch Program is as much a part of the school curriculum as the three "Rs".

Food service contractors have no interest in building good eating habits. They are much more likely to serve so-called "junk" foods that however popular they may be with the children, do not measure up to nutritional standards sought by the Department of Agriculture.

For these reasons, we urge the Committee to reject the recommendations of the National Restaurant Association.

The CHAIRMAN. Mr. Graham?

STATEMENT OF HARRY L. GRAHAM, LEGISLATIVE REPRESENTATIVE, NATIONAL FARMERS ORGANIZATION

Mr. GRAHAM. Mr. Chairman, members of the committee, the Senator from Vermont has noted that I am not with the Grange any more. This has been so for some time now.

Without going into all the details of the statement, Mr. Chairman—I am sure it will be filed anyway—let me make some comments on it and you can ask me what questions you want to and I am sure it will save some time, yours and my own, and yours is more valuable than mine.

We have noted that inadequate diet is not the special problems of children in the poorer areas. There is adequate evidence that a lot of the children from the middle and upper classes do not have adequate diets, not from lack of money but from lack of judgment, apparently, on the way to spend their money. The problem of high school kids, if they are all like mine, is that their diet consists of hamburgers, french fries, and cokes, if they get a chance to exercise their own judgment. It is good, but hardly an adequate diet.

The school lunch program has filled a great need. There is no question in anybody's mind on this.

Senator AIKEN. You would give them some milk, too, would you not?

Mr. GRAHAM. Yes, I have included this. I would prefer milk to coke for my children.

We have looked at as carefully as we could, without going into great detail, the bills that are before the committee and have noted that the bills that come from the House of Representatives are an

improvement over previous legislation. But we have also noted in our judgment that the bill presented by Senator Talmadge is a more inclusive one and a bill which would solve some problems which remain in the other two bills that came from the other body. I think it is especially pertinent, this reduction in the matching shares from the 3-to-1 to a 1-to-1 basis.

This provision that prohibits any overt identification of any child receiving free food is one that we have not only needed, but we have needed to have enforced. There are too many cases of poor children who do not share in a school lunch program because they are embarrassed to. They do not lack feeling just because they happen to be poor. A child is especially receptive to this kind of thing. His parents may be able to ignore it, but a 6-year-old child may take quite a beating psychologically.

Senator AIKEN. That is true of the food stamp program, too.

Mr. GRAHAM. Yes, it is a question of real embarrassment.

We like the provision in Senator Talmadge's bill for upping the authorization to the \$300 million that it calls for in 1972. I am suspicious that we will need to go even further than this when the time comes, but at least this is an improvement. I do not think we can tell yet where we are going to level off in these programs. This is something we are going to experience as we go along. We have all seen the necessity of some breakfast in many areas. You know, there are some rural areas that could stand some breakfasts, too, when they have children that ride buses for 1 or 2 hours in the morning before they get to school. By the time they get to school, they are hungry again if they had even time left to eat when they get there.

One section which we would suggest a change on is the Advisory Council. We note that there is no representation of the general public in these suggestions and we would suggest that some people representing the general public, including some farm leaders and some recognized nutritional authorities outside of the Department of Agriculture and educational personnel, might serve to strengthen such a council. It might make it a little bigger, but a 15-member council is not unwieldy and I do not think a 20-member one would be, also.

We have approved the inclusion of the amendment by Senator Nelson, which takes care of the priority for dairy production, Senator. We think this is an improvement over previous legislation and urge its adoption.

(The prepared statement of Mr. Graham follows:)

The National Farmers Organization is an association of farmers which is engaged in collective bargaining in an effort to improve farm income.

We accomplish our marketing objectives by blocking together enough production in any commodity to enable us to have some influence on the market.

The policy of the organization is to support the family-size owner-operator farms both because they represent the greatest economic efficiency and the maximum social and political stability which is essential for the welfare of our nation.

We therefore support legislation which will accomplish our economic, social and political goals, and we oppose those acts which contribute to the weakening of our desirable and essential objectives.

Most inadequate diets are not confined to children in the so-called poverty areas but all available information we have indicates that even the children from the more prosperous segments of our economy need and benefit greatly from a warm and nutritious meal served at midday.

We are therefore interested in the legislation pending before this committee in the form of H.R. 515 and H.R. 11651 which have previously been passed

by the House of Representatives. In H.R. 515 we have noted particularly the section on appropriation and matching, the one on nutrition, training and education, the inclusion of the trust territories provision for equipment rental, for state administrative expenses, additional regulation and coordination of effort between the Secretary of Agriculture and the Secretary of Health, Education and Welfare.

H.R. 11651 provides temporary emergency assistance to provide nutritious meals to children in school and in other group activities outside of school. Both of these pieces of legislation passed by the other body are an improvement over the previous legislation.

However, in our judgment, we would prefer the bill introduced in the Senate by the distinguished Senator from Georgia Mr. Talmadge, S. 2548, which is also before this committee. We had previously noted with approval his increasing concern with the problem of food nutrition and this bill is evidence of dedication which has always come from him when he has the information which was necessary to formulate an intelligent legislative suggestion.

It would seem to us that it is especially appropriate at this time when the several States are under such heavy financial pressure that provision should be made for reducing the matching requirements of the States. We note with approval that S. 2548 has done this by reducing the requirements from \$3.00 to each \$1.00 federal funds to an equal share with the federal funds.

We note also that in this same general area that provisions have been made providing for some additional State administrative expenses.

We like the provision that prohibits any overt identification of any child receiving free food from this program by special tokens or tickets, announced or published lists of names, or other means. The use of these means if identification of unfortunate children has precluded their use of these programs in the past and is self-defeating as far as the purposes of the Act are concerned.

The most important provision, in our judgment, is provided in Section 7 where the amount to be authorized is set at \$200 million for the fiscal year ending June 30, 1970, for an additional \$50 million for each of the fiscal year ending June 30, 1972. This is a considerably more realistic figure than we had previously used and it may even require additional authorizations in the future. If it does, the N.F.O. will support it. We simply do not believe that our nation and its interests are best served by the failure to do what we can to insure that as far as it is within our power, all children be provided with an adequate diet.

The rest of Section 7 provided for an emergency authority where there is special need.

Section 8 with its regulations, appears to be a desirable clarification of the existing regulations. Section 9 provides for research and training, for nutrition specialists and for a National Advisory Council.

We would approve all these suggestions except we would respectfully submit to the Committee that the Advisory Council might be strengthened by the inclusion of additional people representing the general public, including some farm leaders and some recognized nutritional authorities outside the Department of Agriculture and Educational personnel. This would necessitate a bit larger Advisory Committee but we feel that this would improve the image and the administration of this very desirable program.

We would also approve the inclusion of the Trust Territories of the Pacific Islands under the provisions of this act.

The N.F.O. would commend this committee for its diligence in the past as it approached this problem, and we sincerely urge the passage of S. 2548 without any crippling amendments to it.

We would also approve as an amendment to the bill the inclusion of S. 2152 by the distinguished Senator from Wisconsin, Mr. Nelson. This provides for the priority use of dairy products in these programs without regard to the possibility of domestic or export sales.

Mr. Chairman and members of the committee, the National Farmers Organization appreciates the privilege of appearing before this distinguished committee today and we earnestly urge your approval of this legislation.

The CHAIRMAN. Any questions?

Senator YOUNG. What could be done about schools where they elect not to serve a school lunch? Is there anything that can be done about that?

Mr. GRAHAM. I think that is a stickier question than even that problem of food or food stamps. You can get around food stamps or food distribution by having somebody else do it. But how the Federal Government or the State government can go in and put a feeding program in a school or a district that is fairly autonomous is a pretty difficult question to answer, unless it is just public pressure.

Senator YOUNG. You mention one need that few realize, and that is of farm children being bussed a long way to consolidated schools. Some of those children might ride perhaps an hour and a half or even longer to school in the morning and back at night. They oftentimes are hungry when they get there.

Mr. GRAHAM. Well, they leave before an ordinary breakfast time, before it is light, even. A lot of these children are leaving home in the wintertime when it is dead dark.

Senator YOUNG. That is all.

The CHAIRMAN. Any further questions?

(No response.)

The CHAIRMAN. Thank you very much, Mr. Graham.

Senator Javits?

STATEMENT OF HON. JACOB K. JAVITS, A U.S. SENATOR FROM THE STATE OF NEW YORK

Senator JAVITS. Mr. Chairman, I am grateful to the committee for hearing me. I promise to take no more than 5 minutes and request that my prepared statement be submitted for the record at the conclusion of my remarks.

Senator Talmadge's bill on improving the school lunch program is an admirable bill and I am here to support it if my voice can help. I would like to suggest to the committee, and to Senator Talmadge, a few points which I think are worthy of consideration based upon our work on the Select Committee on Nutrition and Human Needs—Hunger Committee—of which both Senator Ellender and Senate Talmadge are members. They are also responsive to some of the experience in my own State which may be of some use to the committee.

I will introduce today a bill, the Child Nutrition Act of 1969. I hope Senator Talmadge and the committee will consider carefully some of the bill's key provisions and will find them desirable for incorporation in Senator Talmadge's bill as amendments. I would like to emphasize, especially, that I want nothing that I say, in any way, to derogate from my interest in the excellent, high-minded, and statesmanlike approach which is taken in Senator Talmadge's bill.

I have five points which I would like to leave with the committee:

1. NATIONAL ELIGIBILITY STANDARDS

There is a need to establish national eligibility standards to determine which children should get free or reduced price meals. The approach which I recommend and urge upon the committee is to establish national eligibility standards which require the furnishing of free or reduced price meals to any child who is a member of any household: which, (A) is eligible to participate in any Federal food assistance

program, or (B) has an annual income equivalent to or less than \$4,000 for a household of four persons.

I base this recommendation on the theory that if the family is entitled to food assistance at home, then certainly, the child, as an element of the family, should be entitled to receive food assistance in the form of a meal in school, preschool and nonschool programs. Hence, we establish the same standards of qualification for child feeding programs as we do for family feeding programs. A detailed explanation and further reason for my recommendation are contained in my prepared testimony.

2. AUTHORIZATIONS

There is also a need for a more ample provision in terms of authorizations for expenditure in respect to the school lunch program. It is a regrettable fact—and this is shown on so authoritative a level as the committee on food and nutrition of the Urban Affairs Council, which consists of the Secretaries of Agriculture, HEW, and Commerce—that, although 19 million children participate in the school lunch program, less than one-half of the children from families with poverty level incomes receive a free or reduced-price lunch.

I would like to point out that in my State of New York where there is a daily average participation rate of 1½ million children in the school lunch program, which is not very large, free and reduced-price meals are made available to approximately 400,000 of the 1½ million. Even in my own State, where the State is already using its own revenues to supplement the Federal program, the estimate of the needy who are not reached is approximately 500,000. So it is not a situation in which we are pointing an accusing finger at others. We ourselves are under the same disability.

3. PRIVATE FOOD SERVICE CONCERNS

Mr. Chairman, I would like to leave with the committee a very interesting concept developed by the minority staff on the Select Committee on Nutrition and Human Needs (Hunger Committee). It relates to the use of the most advanced techniques, especially private food companies, to cater or manage school, preschool, or nonschool, feeding programs. I would like to recommend that the committee consider this concept and determine whether this is a feasible alternative to add to the pending legislation in specific terms. Senator Talmadge's bill recognizes that, in many cases, feeding facilities and equipment are either inadequate or do not exist. But my own, and our committee's, inspection has indicated that, in many cases, there could be no facilities; there is just no room for them or there is no place to put them and remain in compliance with fire and other laws. Also, facilities might be more expensive than endeavoring to use the most modern factory-feeding techniques, where food is brought, for example, hot to the school and the whole process is done by contract. Schools do not have to set up commissaries or organizations for the purpose of preparation. I would strongly urge the committee to consider whether, as an alternate in writing the legislation, as an alternate to providing for equipment, they might provide for what we call in the housing field a performance standard; that is, whether by contract the same performance could not be achieved at the point of feeding with the use

of private enterprise as is done by use of school facilities and equipment. Mr. Chairman, I think this is the most important aspect of what I am proposing in the sense that it is innovative and very much in line with my own experience. As you all know, I have made almost a career of the effort to bring private enterprise into all phases of Government operation. I think this is a peculiarly important area.

I have met personally with representatives of the Nation's major food companies and there is an extraordinary spirit and desire to fit into this program, to work in it and to cooperate. I do not think, because Government contracts are not all that profitable, it is attributable to cupidity or anything of this sort. I really believe that there is a general feeling that foods can be advertised, for example, that their use by families can be encouraged, and that the companies are willing to cooperate to the fullest extent with Government in these fields. If this is not so, then certainly they do not have to get the contracts. However, I am confident of their cooperative and willing disposition in this area.

4. CONCERN WITH MEALS

Mr. Chairman there is a need, which we all know, for dealing with all meals rather than just lunches alone. The breakfast program, for example, is in the embryonic stages in respect to the lunch program, and yet it is a critically important aspect of our child feeding programs which must be expanded. The same applies to the Vanik program (nonschool feeding) and meals under Headstart. I would hope that the committee would deal with the performance standard of all meals, whenever they may be served—breakfast, lunch, or snacks—and to make certain that all meals meet the overall nutritional needs of the needy child, rather than strictly dealing with school lunch alone.

5. UNIFORM ALLOCATION OF FUNDS

Mr. Chairman, I find a considerable lack of uniformity among States in allocating money to schools and school districts for free and reduced-price meals. I urge the committee to give authority which will endeavor to bring about a sense of uniformity and greater fairness on the national level to individual districts and schools. A national standard would consider the experience of other States. I find that the current procedure among the States is quite a maze and in many cases work out quite unjustly, not because anybody wishes it so, but unwittingly because of sloppy administration, lack of experience, lack of knowledge of other States' procedures, or local pressures.

Those are my points, Mr. Chairman. I thank you very much.

(The prepared statement of Senator Javits follows:)

Mr. Chairman: Last Wednesday, the Senate passed a comprehensive and far-reaching food stamp bill. As one of the original nine sponsors of the substitute bill which the Senate passed, I am both pleased and gratified with this forward-looking action. Even though the food stamp bill will go a long way toward fighting hunger and malnutrition in this nation, we still must move forward on the other fronts of food assistance if we are to completely eliminate this problem from our midst.

It is for this reason that I will introduce today the Child Nutrition Act of 1969, a bill designed to bring more food and adequate nutrition to millions more children who live in poverty. Briefly, my bill would do the following:

(1) Establish national eligibility standards which require the furnishing of free or reduced price *meals* to any child who is a member of any household which, (A) is eligible to participate in *any* Federal food assistance program, or (B) has an annual income equivalent to or less than \$4,000 for a household of four persons;

(2) Give the Secretary of Health, Education and Welfare a consultative-evaluative role in child feeding programs;

(3) Require uniform standards and procedures for the allocation of funds to schools and school districts from the states under child feeding programs to insure maximum participation of needy children in such programs;

(4) Require that there be no overt identification of children who receive free or reduced price meals under any federal program as well as require that needy children receive priority in receiving special milk;

(5) Require an evaluation of the effectiveness of federal child feeding programs in meeting the nutritional and health needs of children, providing meals under school and non-school feeding programs (e.g., Vanik program, Headstart and day care center food programs as well as the school lunch and breakfast programs), and a report of findings and recommendations for improving such programs to the President by January 20th of each year;

(6) Direct the Secretary of Agriculture to formulate and carry out demonstration projects with private food service concerns for the preparation and provision of nutritious meals in schools which lack or have inadequate facilities or food programs in rural and urban poverty areas as well as in pre-school and non-school feeding programs. It also directs the Secretary to furnish milk and other agriculture commodities in carrying out such projects;

(7) Apply to lunches, breakfasts and non-school food programs rather than just school lunches;

(8) Provide for work training programs whereby low-income individuals would be trained to administer and supervise child feeding programs.

Before I outline in detail my reasons for introducing this bill, I would like to commend my colleague from Georgia, Mr. Talmadge, for the progressive provisions of his school lunch bill, S. 2548, which is now before this Committee. I feel that in addition there are other aspects of our child feeding programs that should have attention and it is for this reason that I shall introduce the Child Nutrition Act of 1969 and would consider it the basis for amendments of Senator Talmadge's bill.

Testimony before the Select Committee on Nutrition and Human Needs, on which I serve as the ranking Republican, has pointed out the need for stronger leadership—both from Congress and the Department of Agriculture—in establishing eligibility standards for children who receive free and reduced-price meals, as well as leadership to assure maximum participation of needy children in all child feeding programs. Therefore, this bill directs the Secretary of Agriculture to consult with the Secretary of Health, Education and Welfare to establish national eligibility standards for receipt of free or reduced-price meals in our child feeding programs, as well as uniform standards to states to use in distributing funds to schools and school districts for such programs to assure maximum participation of needy children.

The Senate last week expressed its desire to have households in which annual income is less than \$4,000 per year eligible for receipt of food stamps. It is only logical that children from such households should be automatically eligible to receive free or reduced price meals under Federal child feeding programs. Even more logical is that children from households which receive *any* form of Federal food assistance should also be eligible to receive free or reduced price meals. If a family is in enough need to receive one form of food assistance, then children from that family are in enough need to receive free or reduced price meals in our child feeding programs.

I am pleased that Senator McGovern, Chairman of the Select Committee on Nutrition and Human Needs, endorsed the principle of national eligibility standards for free and reduced price lunches in testimony before this Committee yesterday. I advocated establishing standards for such programs several weeks ago in my omnibus hunger bill, and I am gratified that Senator McGovern is in basic agreement with this principle. However, I think we must go further than just establishing such standards for free and reduced price lunches—we must also apply those same standards to the *breakfast programs, pre-school and non-school food programs.*

It has been estimated that there are between six to eight million children below the poverty level who should be receiving free or reduced-price meals, but only an estimated 2.5 million children in this category are being reached. These figures do not include children from near-poor families who could also benefit from such meals. Much of this lack of participation is due to the problem of local administrators not clarifying sufficiently just who is eligible for such programs. If we establish clear-cut standards, then local school officials will have the direction and leadership necessary to improve program participation and serve the nutritional needs of more children. *In establishing uniform procedures for the distribution of funds, the Secretary of Agriculture should strongly consider allocating funds from state to groups of school districts rather than to individual districts.* I feel that such a procedure would allow more children to be reached and would prevent the situation of one school district receiving funds for needy children and another school district, often only a few miles away, receiving no funds. This would also simplify bookkeeping and reduce some of the complexities of state and local administration of such programs.

This bill also gives the Secretary of Health, Education and Welfare an evaluative and consultative role in child feeding programs. I have often stated that the Department of Health, Education and Welfare, which now has the responsibility for administering Head Start and many day-care center programs, should be brought into all of our child feeding programs. Secretary Finch has stated that we must be concerned with the child from the cradle through his school years. I feel that it is important for the Secretary of HEW to have a role to play in the development and evaluation of our child feeding programs.

This bill also requires that needy children receive priority in the distribution of special milk under the Child Nutrition Act of 1966. All children must have milk, and I believe that we should provide it first to those who need it most—malnourished, needy youngsters.

Also, this bill requires that recipients of free or reduced price meals under child feeding programs shall not be identified in any overt manner. It is cruel to have a child openly identified as being poor and needy to his fellow classmates because of published lists, tickets, separate lines or any of the various devices which are common in many parts of this nation. For too long children have been embarrassed and many have refused to participate in child feeding programs—especially the school lunch program—because of such discriminatory practices. The time has come for this to end.

This bill also directs the Secretary of Agriculture to utilize the services of private food service concerns to bring food to needy children. It is generally accepted that the American private food market is the most effective food distribution system in the world. I feel that we should take steps now to speed up and encourage private food service concerns and processors to bring their expertise in food distribution, management and services into our school-feeding programs. The pace has been extremely slow and it is the intention of this bill to greatly hasten and expand such efforts.

This bill would provide \$25,000,000 for the Secretary of Agriculture to carry out demonstration programs with private food companies for the supply, preparation and delivery of food in schools which have limited facilities or none at all for meal preparation and which are located in poverty areas. Every effort should be made to bring the lunch and breakfast programs into schools which now are without facilities. I feel that this approach could be utilized very effectively through the Central and Satellite Kitchen concept, as well as the forward-looking concept of *the development of large-scale food commissaries serving many schools, school districts or even cities and I hope that we can move in these directions soon.*

Already many schools are utilizing private food technology in their food programs and are proving to be very successful. In my own city of New York, the use of frozen convenience foods has proven to be very beneficial, both to the school system and the students. It is predicted that, eventually, all of the city's 400,000 elementary, junior and senior high school students will be offered such meals.

Finally, it is very important that we develop programs which will help the poor break the shackles of poverty so that they may be able to earn their own way and provide their families with the food and nutritional needs that are necessary to sustain a healthy life. It is for this reason that my bill includes a provision for work-training programs for low-income persons so that they might be trained to administer and supervise in child-feeding programs. We have seen how effec-

tive our nutrition aides have been in helping poor families achieve proper nutritional meals. *I propose that we train people to become dietician aides* so that they might eventually receive the training to enable them to enter the field as professionals. I am quite certain that organizations such as the American Dietetic Association would be willing to cooperate in such an endeavor, as well as local school districts.

I deeply believe that we can end hunger in America and I am convinced that this bill, like the historic food stamp bill passed by the Senate last week, will go a long way toward meeting that objective.

The CHAIRMAN. I wonder if you would care to express an opinion—as you know, many States did not participate in the school lunch program because they could not find the money.

Senator JAVITS. That is correct.

The CHAIRMAN. We are making it obligatory here that they do put up some money. Now, the question is whether or not we can put language in this bill to force them to do it.

Senator JAVITS. Constitutionally, Mr. Chairman, I do not think that you can. I do not think you can make a State participate in a Federal-State program. But I think you can do one thing, sir, and I would strongly urge it upon the committee, and I hope Senator Talmadge would agree with me, and that is to give definite power to the central administration. I urge this because, where a State will not take action to help its own citizens in this area, even with all the safeguards there might be—public hearings, and the strictest kind of criteria—the United States should not be powerless to move in directly to remedy a serious situation working with either a municipal or county level of government, or even a private organization. Make the criteria as strict as you like, but give some power to alleviate the condition of the individual citizen notwithstanding the obduracy of a particular State.

The CHAIRMAN. Suppose we start that in one State. Will that not be an invitation in other States to simply let Uncle Sam carry the whole load?

Senator JAVITS. I do not think so, Senator, for the following reasons: One, such obduracy would most likely be sporadic. In other words, it would hardly be a statewide program, and would cause, therefore, difficulty for a State rather than encouraging it to just fold its hands.

Two, we believe in a great deal of political pressures in this country and it seems to me that State pride, et cetera, will be very seriously aggrieved if the Federal Government, under very strict criteria—and I urge you to make the criteria very strict—finds it necessary to alleviate conditions of such urgency in a State that it must go in directly. I rather think, Mr. Chairman, that it will help you get the States to participate, assuming the criteria is strict enough, and I know it will be in this committee, rather than cause a State to be passive.

The CHAIRMAN. To what extent, to your knowledge, has the State of New York, the community, furnished funds or some kind of assistance to carry on this program?

Senator JAVITS. The legislature provides funds in the State budget for the program and I will be happy to file with the committee an exact accounting of how much the legislature has provided for the last 5 to 10 years.

(For the information above, see page 267.)

The CHAIRMAN. Well, the bill submitted by Senator Talmadge has a formula wherein the States shall pay from 10 to as much as 50 per-

cent of the cost. Of course, that does not mean the entire cost, but only of that portion required of State and local sources.

Senator TALMADGE. Section 4 funds, I believe, have the present appropriation of \$168 million, as I recall.

The CHAIRMAN. At any rate, it does not cover the whole program, but just a very small part of it. In some States, we have a contribution greater than what would be provided under the Talmadge bill.

Then we have a bill that has been endorsed by the Department of Agriculture, H.R. 515, wherein, over a period of 6 years, the States must begin putting up 4 percent, increasing to 10 percent, of the State and local share. It is up to us to work out a formula that would be acceptable to Congress.

Senator JAVITS. It seems to me, Mr. Chairman, that you ought to work out a formula which will have the tendency to attract all of the States. For States like my own, you can rely upon the fact that the public pressure is so great that the State will nonetheless, not on a matching basis, but just absolutely, as our legislature has done, appropriate funds to supplement the school feeding programs. So that in States like perhaps my own or other industrial States—not necessarily only industrial States, but States that have that disposition—I do not think that to get the maximum State contribution, you need to strain in the matching. I would make the matching as modest as possible to attract as many of the 50 States as possible. In States like my own, public pressure will cause the legislature, in addition, to appropriate funds for these programs directly. Therefore, you will not lose anything, and by not setting the standards too high, you will not lose States that might otherwise participate.

The CHAIRMAN. That, of course, is a problem, and even under the present law, up to about 3 or 4 years ago, as I recall, there were 8 to 12 States that did not participate at all. It is my belief that notwithstanding the failure of some States to contribute, a program of this kind, I do not believe, will succeed unless you get full cooperation at the local level.

Senator JAVITS. There is no question about that. You have to have that. That is why I urge that you make the matching low enough to attract almost all, because, as I say, in States like mine and others of the same disposition, you will not lose anything. They will appropriate the money anyhow, even if not required for the matching.

The CHAIRMAN. Any further questions?

Senator AIKEN. Yes. Senator Javits has raised a couple of points, and Senator Talmadge has, too, that have bothered me somewhat. One relates to overt identification.

I think in terms of rural schools, they are provincial that way. In a small school, it would be almost impossible to prevent overt identification of those getting free school lunches. Maybe there are only half a dozen of them. Maybe there has to come a time when we give everybody a school lunch and then there will be no possibility of discrimination or identification there.

The other one is a proposal, as far as possible, to turn the school lunch program over to commercial caterers. I know this has been promoted by the National Restaurant Association, I believe, for some time, and was killed very concisely.

Senator TALMADGE. And the food service industries, too. Two of them have testified already.

Senator AIKEN. I am a little apprehensive about doing that too hastily. There are some places where that might be the thing to do, and I am inclined to think Senator Javits has some of those places in his own State.

Senator JAVITS. That is correct.

Senator AIKEN. It would require extremely careful inspection, I think. I had a case called to my attention not too long ago of a home for elderly people where the feeding was turned over to a commercial corporation and the soup got extremely thin soon thereafter. So you would have to have great inspection. I wondered if, as far as possible, and again I am thinking in terms of rural schools, why we could not pay the mothers themselves and perhaps instead of having inspectors there, have somebody there to teach them what adequate diets are and have them all learning at the same time that they are feeding the children and helping earn family income.

Senator JAVITS. May I answer all three points? I will answer the last one first.

In the first place, I thoroughly agree with you on every point you make. Let me just say what we are doing now.

DIETITIAN'S AIDES

Under the OEO, the antipoverty program, we encourage the poor to organize service corporations. That could tie in admirably, because one of the elements of what I am presenting, really, to Senator Talmadge, because I hope he will take whatever he wishes out of this bill, is the idea of training the poor as dietitian's aides. Then, if you could, locally organize a corporation. That would be the greatest; that is the best. All that I suggest—that is the last point, bring the mothers in. I could not agree with you more. I could not think of anything that would be better for the AFDC mothers than this kind of work. And I think you ought to provide for that in the bill, contemplate that kind of outcome, and encourage it.

Senator AIKEN. Yes.

Senator JAVITS. Now, moving up to the idea of contracting with private business, I only suggest that you give the authority—that is all. I do not suggest at all that this be—

Senator AIKEN. Let the community decide.

Senator JAVITS. That is right; just give the authority and the alternative, so there may be a fair estimate of the comparison whether it is worthwhile to put in the facilities or whether it is more worthwhile to contract with private food companies.

As to overt identification, we suggest language which endeavors to make as part of the child feeding program a program to prevent open identification.

Senator AIKEN. It is not going to be easy.

Senator JAVITS. I know, Senator Aiken, but I just want to point out that we do contemplate the problem and we try to direct, zero in, as it were, the administrator in that he plan on that as a problem.

Senator AIKEN. Again, I prefer instructors to inspectors, in most cases, anyway.

The CHAIRMAN. Any further questions?

Senator TALMADGE. Senator, I think you have made a valuable contribution to the deliberations of the committee. I appreciate the generous references to my bill. In Georgia, we have made outstanding progress in this regard. I believe the nutrition administrator from our State testified that there are only two small mountain schools which do not have a school lunch program in our State. My State is making a substantial contribution from local resources toward the problem. The proposal that I had for matching funds would phase in the State's contribution from 10 to 50 percent over a period of 10 years. Only section 4 funds will be matched. That will be a modest contribution from the States to begin with. I believe with the pressures that are currently being felt throughout the country, virtually every State, if not all, will participate. I think in time all of them would.

You have suggested several things here for the committee that are worthy of consideration. Quite a number of amendments have already been proposed and I am sure the committee will, when it meets in executive session, give them all consideration.

Senator JAVITS. Thank you very much.

The CHAIRMAN. Thank you very much, Senator.

Mr. Kramer?

STATEMENT OF JOHN R. KRAMER, EXECUTIVE DIRECTOR, NATIONAL COUNCIL ON HUNGER AND MALNUTRITION IN THE UNITED STATES

Mr. KRAMER. Mr. Chairman, I have a rather lengthy prepared testimony. I do not propose by any means to read it all, but I do want to touch on many issues which I do not think have been thoroughly explored in the hearings to date.

I do want to state at the outset what the council's ultimate goals are. They differ somewhat from what Senator McGovern said. I think the ultimate goal in this country should be total family nutrition and not institutional nutrition, for many reasons, primarily psychological, but secondarily, expense. I think it is fair to state that Senator McGovern's proposal yesterday of 5 days a week, 52 weeks a year, feeding all preschool and school-age children, 72 million children, at a cost of approximately 90 cents a day, even on a 10-percent absenteeism basis, is a recurring cost of \$15.2 billion a year. That is a little over a third of the total educational budget in this country and the national council does not believe that that is the way to expend this Nation's money, in a total national school lunch and breakfast program for every child. That kind of cost can be better used in many other ways.

On the other hand, we are very strongly in favor of complete food service, that would include breakfast and lunch, for poor children.

Now, I will digress from the trend of my testimony to touch the issue which seems to concern you most, the State matching. I think that seems to be central to your concern here. I will say that the national council itself is indeed in the field in its own ways trying to make sure that every State and every school system participates. That is really what we are all about. I would like to touch first on that part of my testimony that concerns State matching.

In addition, at the very end of my testimony, the nonattachment part, I have included the table that you really should have gotten from the Department of Agriculture, but you did not get. It is four pages long and discloses over the next few years, the contrast between the present act, the Talmadge bill, and the Perkins bill, how they stack up on every section of the school feeding programs, on the extent and level of Federal and State matching. It is four rather detailed pages.

They are based, the later years, upon projections by the U.S. Department of Agriculture Budget Division. I do not know if they have ever released them to you. They probably have given them to the Appropriations Committee.

The real secret to expanding the ability of schools to serve lunch to all those who need it but cannot afford it, and ultimately perhaps to make school food service universal, is to prompt State governments to put up their fair share of the cost. The National School Lunch Act of 1946 seems to mean business on its surface, for it requires 3-to-1 matching of the Federal dollar by the State from any "source within the State determined by the Secretary to have been expended in connection with the school lunch program." Unfortunately, because of legislative history attributable to the chairman, the concept of sources within the State was diluted to include children's payments and locally donated services or supplies or facilities. Thus, while the 3-to-1 matching requirements may seem stiff, in fact, nearly 53 percent of all school lunch programs costs in fiscal 1969 were furnished by the children who received the lunch rather than by State governments, and State and local governments put up only 5 cents of every 58-cent meal, while the children contributed 30.5 cents, the Federal Government 13 cents, and locally donated goods and services 14.5 cents. Thus, the State of Mississippi is able to get away with allocating only \$109,000 for its share of a \$25 million school lunch program. No more than half the States now appropriate or use State funds for school food service.

Local effort is indeed where it should be at, but all the slogans and shibboleths in the world cannot disguise the fact that the State and local governments will, in nearly every instance (some notable exceptions appear to be Louisiana, Utah, New Jersey, and New York), shy away from doing their part in financing child feeding programs unless they either are confronted by an outraged, politically potent citizenry or are subject to federally imposed stringent matching rules. Liberals have been fond of rejecting out of hand any State matching provision tacked on to social legislation because of the usual truth that the more the matching, the less the likelihood that State or local governments will want to participate at all. But the instinctual reactions of liberals are irrelevant here. This is the one program where I think we turn topsy turvey our present conceptions about State matching. School lunch is a universally approved subsidy to the middle class (only \$133 of the approximately \$638 million planned for fiscal 1970 or slightly more than 20 percent is angled toward the poor). No school system and no State would dare cut off its head to spite its nose. Avoiding some reasonable level of State-local cost sharing with the children and the Federal Government by abandoning the Federal program entirely is simply not a viable alternative anywhere, including the Deep South. You don't go out of your way to antagonize middle-class voters.

Senator AIKEN. Would you include upperclass contributors?

Mr. KRAMER. Yes.

The solutions then are twofold: Local pressure and Federal regulation. The former can be quite successful.

Senator AIKEN. We want to be impartial about this.

Mr. KRAMER. The Reverend Jessie Jackson's hunger marches throughout southern Illinois stimulated the Illinois Legislature to pass last month a \$5.4 million appropriations bill designed to enable free lunches to be served to 200,000 needy pupils throughout the State year-round. A local vigilante committee of bishops, cardinals, rabbis, junior leaguers, and just plain folks in Maryland only 3 weeks ago forced a recalcitrant Governor, whose representative came here today after fighting us for the entire summer—who is more interested in budgetary surpluses than in poor people's deficits, to announce a State contribution of \$1.2 million to a feed-the-needy-lunch campaign at a \$25 a plate civic dinner that itself netted \$22,000 for lunches for the poor. The National Council's 10 staff workers have covered most of the South; Arizona, California, Oregon, Washington, Kansas, Nebraska, and Iowa this summer seeking, among other things, to organize locally concerned groups and individuals to put the heat on their officials to cough up school lunch aid. The results have been scattered, but the rising trend is undeniable. Law suits filed in Oklahoma, Kansas City, Detroit, Chicago, Boston, California (statewide) and Modesto (locally) and soon in Los Angeles and New Jersey have forced the States to face this issue. A nationwide conference of lawyers is planned at the University of Chicago in November to plot the strategy for an endless string of litigation directed at securing a meal for every needy pupil in every community in the country.

Nonetheless, and despite the best efforts of volunteers, some States and localities will not bear their fair share unless a Federal gun is pointed at their backs. That enlightened territory of California is a good example. The State legislature, by overwhelming majorities in both houses, passed a bill appropriating \$4 million to provide State funds on a matching basis for the school breakfast and lunch program for needy children. This would have been the first time that the State participated financially in the school lunch program which had previously been the fiscal ward of the Federal Government and the local school districts. But the Governor, anxious to demonstrate that his heart, but not his pocketbook, bleeds as much for the very young as for the sick and mentally disturbed, axed all but \$500,000 of this sum for use in a pilot program.

Although the legislature, by a majority, voted to overrule his veto, they did not vote to overrule it by a two-thirds majority, which was required. As if there needed to be a pilot demonstration of feeding children.

To avoid future Reagans, S. 2548 is a must. Senator Talmadge wants to put the monkey squarely on the State's back, where it belongs. How heavy is the monkey? His bill begins by appearing to dilute matching through putting it on a dollar-to-dollar basis, but then turns about and requires the States, commencing in fiscal year 1972, to fund 10 percent of the matching requirement of 5 percent overall from State revenues (which might include State land rentals as well as State tax funds, although excluding State funds already being spent on State administrative expenses).

Much has been made during the course of the first 2 days of hearings of the supposedly stringent matching requirements contained in S. 2548 on two grounds—first, the overall increase in the Federal share and, decrease in the “from sources within the State” share and, second, the imposition of a requirement of State matching that means what it says, that is, from the State, not little children. USDA, as usual, was hopelessly unprepared to help you handle the issue. There is no better example of executive incompetence than sending up a man with 3 weeks’ inexperience in school lunch affairs, apparently unbriefed, to handle an intricate matter.

The two concerns you have raised should have been quickly disposed with. The proposal in section 4(a) of S. 2548 to change “\$3” to “\$1” and thus increase the Federal share of section 4 general cash assistance to the States for school lunch from 25 percent to 50 percent would have no statutory impact at all upon Federal expenditures, which would remain at \$168 million unless USDA sought an increase on its own, and would not result in any diminution of the so-called State contribution, which, for all school lunch assistance, including section 4 as an unallocated part, totaled \$1.55 billion in fiscal 1969. No State is going to divert children’s payments to its treasury and away from the lunch program with the result that middle-class children are cut off from lunch. Social reality dictates otherwise. On the other hand, if you are seriously troubled by this possibility, the way to handle it is to retain the 25 percent Federal level and change the State revenues per centum of the 75-percent matching requirement contained in section 4(a) of S. 2548 as follows. I have given you on page 38-A of my testimony the way to do it. For 1972-73, Mr. Talmadge would have the State revenues be 10 percent of a 50-percent matching requirement. You could make the State matching percentage 7 percent of 75 percent, or 5.25 percent, reasonably equivalent. If you want to keep the three for one to assure three for one, all you have to do is keep the percents contained in Senator Talmadge’s bill in the way I have outlined here.

The second problem, the high level of State effort that allegedly might cause some States to drop out of the program entirely, is a juicy red herring. As the accompanying table shows, the new State revenue matching would apply only to section 4 and would be so relatively insubstantial over the course of the next few years as to prompt no State to alienate its poor and middle-class voters by cutting off the flood of Federal child feeding aid under other parts of the program, none of which have any matching requirement directed at State revenues rather than children’s nickels and dimes. Matching would not begin for almost 2 years, which is overly substantial leadtime for the slight effort that will be required and could be met in fiscal 1972 with 1 percent of the revenue-sharing funds proposed for return to the States that year.

Under the Talmadge bill, in fiscal 1972, the total would be \$32.8 million. You divide that by 50 States. President Nixon is proposing approximately \$1.5 billion be returned to the States in fiscal year 1972.

To return to something else which is happening outside of this committee room but I think you ought to be aware of, perhaps the sparcity of attendance here does not indicate the fact that there is growing concern in this country about focusing on the school lunch program. The school lunch program is becoming, among poverty

groups, a symbol of how the poor are being maltreated. I am sure you are aware of the fact that section 9 of the act which you helped write says that children who have been determined to be unable to pay the full cost of the meal shall receive a meal at a free or reduced price. That statute has been taken to court, as I said, in at least 10 instances and will be taken to court, as will all provisions of this bill, in approximately 50 more law suits within the next year. It is more than just law suits we are talking about. In 1962, Congress resolved that the 7-day period beginning with the second Sunday in October would be known as National School Lunch Week. The celebration you proclaimed in 1962 continues not only undiminished, but with typically American hoopla. The American School Food Service Association has a special committee to oversee the festivities; the Department of Agriculture and State education departments crank out propaganda by the carload. I should have brought some of the pamphlets we have in our office on National School Lunch Week. Meanwhile, back in the cafeteria, considerably less than half of the children are being fed. In 1962 Congress also passed a law authorizing an initial \$10 million in fiscal 1963 and unlimited appropriations happily ever after to provide special assistance to schools with pupils from poverty areas so that children who could not afford to pay the full cost of their lunches could nonetheless be fed. That act languished in the closet for 4 years until Senator Hart gave it a transfusion. Last fiscal year, already 7 years behind schedule, it hit the \$10 million mark.

Thus, a tale of two countries: official Washington which heralds and ballyhoos and rejoices and poor America which gets fed words in place of substance. This year National School Lunch Week rolls around appropriately enough on October 12. The National Council is suggesting to the families of poor and even middle-class and affluent children that like Columbus, they discover America, but as a land of empty lunch bags. We are calling it, Mr. Chairman, Semi-National School Lunch Week and there will be demonstrations of sorts in most of the major cities and in many of the rural areas in this country, focusing on the fact that it is Semi-National School Lunch Week. In other words, it is good to applaud the program that it has gotten in 23 years to 19 million people, but it has to take less than 23 years to reach the other 32 million.

Some of those 32 million, the lucky Campbell Kids, can skip home for a nice hot meal. Some can head to the corner greasy spoon for a coke and a candy bar. The rest, a depleted 15 million we estimate, can utilize their non-lunch hour to wonder why they should not be fed. I say we estimate, because the shocking thing about this program, and shocking because I am sure you are not aware of it—first of all, the Department of Agriculture could not give you the matching requirements; but, even more important, they cannot tell you how many children in this country go without lunch. They have never done that kind of research. They cannot really tell you how many children get free and reduced-price lunches on a State-by-State basis. Senator McGovern had to send questionnaires in June to 50 State agencies to get these answers. I think he has 49 answers now. They fill a chart that would cover this room, a chart that is riddled with State-generated inaccuracies, even arithmetical inaccuracies, and a chart which can still not add up to tell you what's happening in this country with

school lunch programs. The Department of Agriculture does fiscal accounting but not people accounting.

The children who do not get lunch, and we do not seem to know how many of them there are—can contemplate an America which trumpets its claim that it “helps provide wholesome, appetizing lunches to the Nation’s school children every school day,” while ignoring the fact that it fails to serve three out of every five students; an America which would commemorate when it should condemn the prospect of 10 million boys and girls from all economic levels attending schools where no food service is available, 9 million of them living in rural and suburban areas or small cities, not in major urban ghettos.

An America where nearly 5 million children from impoverished families are taught the hypocrisy of hunger amidst plenty, all because their parents cannot afford the cost of lunch and no one else will help.

This is an indictment of the entire United States, because how many of them do not get lunch on their own, are nationwide—there are 225,000 in Philadelphia, 595,000 in New York, 74,000 in Memphis, 490,000 in Chicago, 231,000 in Detroit, 101,000 in Cleveland, 209,000 in Houston, 50,000 in New Orleans, 25,000 in Birmingham, 27,000 in Omaha, 38,000 in Kansas City, 331,000 in Los Angeles, 84,000 in San Diego, and 83,000 in Seattle.

It is from the ranks of these people that the law suits are going to flow and the pressure is going to start to build, because it adds up to a lot of people. We have issued press releases and have many cooperating groups and I think on the 12th, 13th, you can read in your newspapers the kind of pressures that are going to be brought, not on the Federal Government, because one place where the burden has been attempted to be shouldered is in this committee and the comparable committee in the House, but on the various school boards. It is going to be on the States and local governments, including Fairfax County. Fairfax County is not alone. They have a school lunch program even if one whose financial future is in jeopardy.

For changing the school lunch program, we think the Talmadge bill is the ideal vehicle. I have here very considerable, very detailed suggestions for changes, changes in legislative language. I would like just to go over the highlights. As a matter of fact, at the very last page of my testimony, I say thank you for sitting still so long. I do not expect you to sit still so long. I can see Senator Aiken was not too happy with sitting still for so long. I can understand that. People do not like to hear the kind of things we have to say. Although this hearing has been a paean to the school lunch program, we can show at the end that there are flaws in it. We say the Talmadge bill. There is a Perkins bill, but not H.R. 515, which is equally important.

I am sorry Senator Holland is not here, because this concerns him. It is H.R. 11651, which touches the nerve core that concerns him. It is the section 32 carryover.

The game of how much it is going to cost to feed needy children is a numbers game. In August, the Census Bureau issued a new poverty calculation that reveals a poor school-age population in this country of 8.4 million. Although there is some disagreement, apparently yesterday, the American Retailers Association came up and said 8.6 million. We calculated 8.4 million children, children in the poverty areas, below the poverty income level. It is those children, that target popula-

tion, that this program, and indeed, Senator Talmadge's bill, is trying to reach.

The average lunch bill now runs to 58 cents, of which at least 36 cents is attributable to the cost of food alone. The Federal Government donates an average of 10 cents worth of commodities (highly nutritious section 6 foodstuffs, price-supported section 416 staples, and surplus section 32 products) and is limited to maximum cash reimbursements for needy schools of 34 cents per lunch (the 9 cents maximum rate for all lunches plus an additional 25 cents for schools in economically deprived areas), although, in actuality, reimbursement for specially assisted schools averaged but 20 cents in fiscal 1969 and is anticipated, under the present Nixon budget, to reach only 23 cents in 1970. This cash reimbursement covers more than the bald cost of going to market, since it may also encompass the cost of processing, distributing, transporting, storing, and handling purchased products. The only costs not intended to be covered by the Department are the labor charges involved in actually preparing and serving the meal.

If the Federal Government were to furnish the maximum possible cash assistance to every school in the country—that is, the full 34 cents—and if every school could serve lunch, had the equipment to do so, the bill would be approximately \$2.86 million a day; 180 school days a year, \$515 million less again 10 percent for absenteeism, leaving \$464 million. So that is the figure we are shooting at. That is the target figure for serving school lunch to every poor child in this country if they wanted it; if the schools, and in some places, this is going to be very difficult to do, had the facilities to reach them—\$464 million. Where do we stand now?

This year, actual Federal cash for free and reduced-priced lunches is expected to total \$133 million in school year 1969–70, consisting of \$44.8 million for section 11, \$61 million projected from special section 32 funds (the States have other alternatives for using this money), and as much as \$27 million of the \$168 million anticipated in general section 4 funds that subsidize lunches for everyone, including middle-class and rich students; approximately 16 percent of which it is estimated is ultimately directed to the poor. This would leave a cash deficit of some \$331 million, not \$214 million. Senator Talmadge would go part way to meeting this by adding \$155 million this year. H.R. 11651 would add another \$100 million.

So even in 1970, with that extra infusion of \$205 million, we would still be \$76 million short. But that shows you that even with those two boosts which you are considering now, and it is quite likely you would not approve both of them, we would still run \$76 million short in feeding a lunch to every needy child in the country. So of course, we would urge you to endorse Senator Talmadge's provision on \$200 million and the Perkins bill, H.R. 11651.

I would like to touch for a minute on that bill, because I think that is as crucial as anything else you are doing. The need for it in terms of the statistics I have given you is unquestionable. What I am certain troubles you, although it only seriously concerned five of your House colleagues—352 of them approved this bill—is the method of financing the food for the poor that it embodies. H.R. 11651, if it should become law, would make a substantial dent in the unobligated balance of section 32 funds carried over from fiscal 1970 to fiscal 1971. That

carryover has fallen below the statutory maximum \$300 million mark only once in the past 10 years—\$298.8 million in fiscal 1966—but the House in passing its version of the 1970 Agricultural Appropriations Act has already lowered the carryover to \$180 million, although the Senate has maneuvered to maintain it at \$300 million. Even at a possible alltime low of \$80 million (assuming the House appropriations bill is the one that emerges from conference, if there ever is a conference on Agriculture appropriations this year), there would still be more than enough money available to help bail out any threatened commodity surpluses. To begin with, no surplus crises are on the horizon. They just do not pop out of nowhere. The Agriculture Department can keep tabs on those many months in advance. The one commodity which has exhausted substantial section 32 funds in recent years—livestock products—which required \$176 million of section 32 funds in recent years—livestock products—which required \$176 million of section 32 funds in fiscal 1965 and \$119.7 million in fiscal 1967, is faced with a supply crisis rather than a surplus. Meat prices are soaring, not diminishing.

Senator YOUNG. What is that; meat prices are soaring?

Mr. KRAMER. I should have said wholesale meat prices are stable, retail prices are high.

Senator YOUNG. Cattle prices to the producer are down \$6 a hundred. That is a very sharp drop in the last several weeks.

Mr. KRAMER. I do not mean to be criticizing the cattle industry; only that they do not need this year Government buying power, taking money out of the pocket of the consumer to jack up meat prices.

The \$80 million in section 32 that would be left to confront any commodity surplus during the next 9 months does not stand alone. Behind it there is a backup authorization of \$500 million. Section 205 of the Agriculture Act of 1956 authorized appropriation of that sum on a permanent basis to help the Secretary fulfill the purposes of section 32, should the need arise. I do not think this is something the public has realized, that there is a backup authorization of \$500 million. In other words, there is standby authority so that the Appropriations Committee does not have to go to your committee at all, but could instantly utilize to dig into another \$500 million in case any crisis arose.

In fiscal 1970, at the outset, in section 32 and related funds, \$1.465 billion was available, \$665 million in customs receipts, \$300 million in carryover, \$500 million in standby capacity. Some \$885 million of this sum would now be used to feed people and consequently to help processors and canners, instead of merely \$665 million. Emphasize processors and canners rather than growers, of meat marketers because it is the middleman from whom USDA buys and not the struggling farmers. The funds from Government purchases of surpluses line the pockets of peach canners and Armour and Swift, not the man in the orchard or raising cattle, who benefits from section 32 only on a trickle-down basis.

I would like to say that that is a misconception that some of my friends who are interested in hunger have maintained and I think deceived the consumers of America. The Agriculture Department does not help the farmer at all. It helps the middleman, the processor, the canner. It does not help the farmer of the United States. I think that is unfortunate, but that is the way those programs operate.

Actually, H.R. 11651 constitutes an attempt to counter the effect of President Nixon's budgetary jiggling in March, which resulted in a shift of substantially the same amount of money, \$50 million, out of specific child feeding programs—President Johnson requested approximately \$100 million under section 11 for special cash assistance. President Nixon cut it down from \$90.48 and then shifted the other \$50 million to come out of special section 32 funds. The idea was to obviate the Perkins bill. But Perkins added some new language which said, "notwithstanding other provision of law," so his \$100 million came on top of the extra \$50 million that Nixon sought to get from section 32.

The impact on the poor children of American will be as substantial as the impact on section 32 if you pass H.R. 11651 or report it out. Only \$153 million in cash out of the fiscal 1970 budget is currently expected to be expended to supply free and reduced-priced meals to needy children; that is, the \$133 million previously identified for lunch plus \$10 million for breakfast and \$10 million for nonschool food service. The \$100 million additional contemplated under the Perkins bill would increase this by 65 percent.

I will not go into the details of the Perkins bill except to urge you to look at it very closely. Do not force other Senators to have to tack the essence of H.R. 11651 onto another bill on the floor, which Senator Javits tried to do last year with some success, 352 Congressmen can't be wrong and 54 Senators have only recently made it quite clear that this committee does not have the last word in feeding the poor.

I will skim over some other provisions of the bill. Many witnesses before me have talked about them; for instance, the fact that S. 2548 focuses on the child rather than the school. In addition, I think it should be noted, and this is something that has not been brought out, that by permitting the Secretary to pay up to 80 percent of the school's operating costs, if the school is in trouble, for the first time outside of the breakfast and noon school food service programs, Federal cash could be utilized to pay for the labor involved in preparing and serving food. This is the first time this has been allowed or would be allowed, under Senator Talmadge's bill. This is very commendable. It is commendable not because it helps poor schools, but because it prevents a civil rights crisis. That civil rights crisis was that in many States in the South, quite noticeably in North and South Carolina, \$3.5 and \$3.4 million, respectively, in fiscal 1969; Texas, \$3.4 million; Georgia, \$2.8 million; and Arkansas, \$2.5 million; funds from title I of the Elementary and Secondary Education Act of 1965 (ESEA) have been employed to fund food services in the poorest school districts. Indeed, of all title I funds expended upon food, \$32 million in fiscal 1969, some 70 percent has been spent in nine Southern States.

When HEW has determined that any of these districts have failed properly to desegregate under title VI of the Civil Rights Act of 1964, the funds have been cut off and school lunch funds administered by USDA are not so treated, because of the legislative history of the Civil Rights Act for which Senators Humphrey and Pastore were responsible. The result—white intransigence leads to black deprivation of food. Senator Talmadge realized this earlier this year and I am afraid we believed he thought of it as a way to undercut title VI. He had a bill, S. 1472, that would, among other things, permit seg-

regated lunch service in previously integrated schools without any possible threat of the cutoff of Federal support.

What I am getting at is as that bill is presently residing in the Judiciary Committee, you could have a white cafeteria and a black cafeteria inside an integrated school and there would be no cutoff of funds.

The present bill contains no reference to this effort to subtract from title VI. It would accomplish the Senator's objective—making sure that poor children are fed irrespective of the discriminatory status of the school that feeds them—without impairing title VI, because it would make available from USDA (and thus free from title VI concerns) added funds to the poorest districts, enabling them to compensate by substitution for the loss of title I moneys. Interestingly enough, Senator Talmadge has defended his revision of the deployment of section 11 special assistance funds to concentrate on the child rather than the school by pointing to the example of poor children bused into schools located in affluent areas in order to achieve "forced integration," who would not get help in obtaining lunch under the act as written.

We recommend heartily that you follow S. 2548 and abandon amendment of the Civil Rights Act of 1964.

Turning to the catering issue, I think you have seen the struggle on the part of the people who want to get into the act. But the Department of Agriculture comes before you in a confused condition. Mr. Hekman admitted he had only been there for 3 weeks and said he was going to study it. We have produced a portion of a speech made in Detroit by his boss, the Assistant Secretary for Marketing and Consumer Service, who said he was very much in favor of bringing in food service management companies. This raises the very serious question of who is the underling in the Department of Agriculture. On August 5, the Assistant Secretary of Agriculture said, "From experience with this approach"—catering and food service management—"From experience with this approach in several large metropolitan school systems we know that it can result in considerable savings in labor and equipment costs, resulting in great economies in the overall food service program."

There is a man with the highest position in the Department of Agriculture, telling them an he has sent here, that the results of the study suggested by Mr. Hekman, which perhaps will delay the thing several more months or years, have already been uncovered.

In the history of our organization, I think we have discovered no department that is less prepared to handle its tasks, administratively, than the Department of Agriculture. Here is the Assistant Secretary saying one thing and the head of the Food Nutrition Service, a month and a half later, saying something else. But we agree with the Assistant Secretary that now is the time to open up the door for local decisions—not to interfere with local decisions, as the statute does now—to employ food service management companies. Nobody is asking that there be a wholesale invitation to them; we are instead asking that the door be opened. That would require certain statutory amendments.

The Department has always relied heavily upon the fact that the statute contains the word "nonprofit" in several places. That is why they come up with this device of a fee for management service as a way of getting around this and bringing its food service management con-

tracts in. That is a legal fiction. The companies are in here to make a profit. Everybody knows that. I think it is folly to maintain this kind of legal fiction. This word "nonprofit" ought to be removed from the act, because the people in these contracts will be making a profit no matter how you jiggle the act or what you call it.

The agreements on equipment talk about giving the equipment to schools. I do not have an equipment contract here, but if the Department will supply you one, you will see that the contract states **that the equipment should be kept in the schools.** The way the equipment program works, there is at best opportunity to leave the equipment in school X and deliver the things to these other schools rather than to install equipment on nonschool premises. One school has to be big enough to serve as the central school, which in itself means you are going to have to have a new school or probably an abandoned old one to serve as a central kitchen. We believe that the language that says "equipment used by schools" and "to States supplying schools with equipment" should be changed so that the equipment can go any place it will be useful to feed children in schools. We are not talking about supplying equipment to schools, we are talking about feeding children.

The Department in January took a very big step and reproduced in three pages some very detailed contracts for experiment. I know that ARA told you yesterday that nobody has taken them up. It is very indicative of the overkill practiced in the Department in preparing agreements that would so confine the freedom of action of caterers as to chill their ardor for entering the school field. The non-profit ideal of the lunch program remains unsullied (the profit is disguised as a management or food fee) and at least 10 million school-children remain unfed as a living sacrifice to the program's virtue.

Senator Talmadge's bill opens the door, we are not quite sure how much, because the central problem focuses on these issues of nonprofit and equipment use. Catering and commissaries have no legislative home under S. 2548, unless a State education agency were willing to finance them as demonstration projects in competition with school food service research, surveys, and information dissemination out of a maximum of 1 percent of the funds appropriated to carry out the Lunch Act and Child Nutrition Act (this would amount to approximately \$6 million, since the House appropriations level is \$611 million and the Senate \$580 million. Out of that pot, if the State were willing, and this is all 50 States, if they did not want to get too much into food service research or surveys or information dissemination, and all three of those are very, very basically needed, perhaps just as much as catering, there would be something left out of \$6 million to try some demonstration project. Or if the states were agreeable to funding them under the "special development project" label or "pilot programs for improving the methods and facilities for providing food service to children" out of a State reserve of 1 percent of funds available for apportionment to the State (perhaps \$4.5 million for all 50 States, since commodities and Federal administrative expenses must first be deducted from over-all program appropriations).

It has been estimated reliably by a group that is trying to put such a project together that to set up a commissary to feed all the needy

children in Baltimore and Washington would cost somewhere in the neighborhood of \$2 million. You are not going to get much experiment in this regard out of \$5 million. As I said, the Assistant Secretary has indicated that as far as he is concerned, although Mr. Hekman does not seem to have read his speech, there is no question as to the value and the cost savings involved.

Turning to the flexible use—to the problem of carrying over of funds, this we think is a very excellent idea, primarily because, again, lack of equipment is the main issue and lack of labor funds is another issue, many, many school districts and States have turned back money. This is a shocking thing, to have people come here asking you for more money, and have many States, and we do not know how many, because the McGovern sheets are not completely accurate never use the funds they were given. Maryland last year turned back—the exact sum is not clear, because the accounting is very confused, but at least \$35,000 was turned back to the Federal Government.

In the case of the breakfast funds, \$3.5 million were allocated and we do not know how many were expended, but we know at least \$500,000 was returned to the Federal Government by the States. They could not use them. Still we would like to see more breakfast funds. This seems incompatible. It means that what you need to do is carry over not only school lunch funds, which the Talmadge bill would do, but equipment funds and breakfast funds which are part of the Child Nutrition Act of 1966.

Ideally, all of the hodgepodge of programs and sections that make the National School Lunch Act and Child Nutrition Act of 1966 a school administrator's nightmare an accountant's delight—the mayor's task force in Baltimore pinpointed some 16 separate Federal sources for feeding children in school settings—should be collapsed into one block grant program subject to the clear priority that each State's funds be used to feed all of its needy scholars at least lunch, with the remainder deployable for reducing the cost of feeding the other children breakfast, or at least lunch.

Now, when I say nightmare, I know you may not study it too hard, but you might take a look at the table I tendered here, which lists 11 programs and their matching requirement, involved in school lunch—section 4, section 10, which is private schools, section 11, which is special cash, special section 32 cash, section 11 commodities, section 32 commodities, section 416 commodities, also, we left out the following extras. Title I money, Headstart money, Follow Through money, State expenses, section 32 for private schools, special milk money and finally another whole special pot for the administration and equipment under nonschool food service.

Actually, that adds up to 18 possible categories of aid which the States have to juggle, allocate under various formulas and distribute among the schools in the State. It is no wonder that they do not spend the money, that they look in one pocket and can't find the money there and can't go into another pocket, and the Talmadge bill, for allowing a carryover, for allowing people to transfer money from one pocket to another pocket, gives the flexibility that this program needs. In fact, that is why the States are so anxious to have H.R. 11651 and section 32 money, because that is free money and can be used as the administrators see fit, within the priority and injunction that the money go to the

needy exclusively. That is the ideal. Special section 32 and H.R. 11651 embody that ideal and S. 2548 goes part of the way.

Turning to commodity distribution, I think this is something again that no one has pointed out that I would like to bring up. It turns upon a very sore issue, the hot dog. The proposed revision of section 6, in which they would propose specifically vitamin A and D, and I would hope protein foods would be added, provide a perfect opportunity for another long overdue reform in Federal administration of food programs. If the Federal Government is going to spend millions of dollars to supply supposedly nutritious products to schoolchildren, then it should assume meaningful responsibility for the quality of those products. A very good place to start is with the hot dog, perhaps the most popular staple in all school lunches, although no statistics on its use are available. Only a week ago on Friday, September 19, USDA announced that it would limit the fat content of the hot dog to 30 percent. Without going into the details of this struggle, one of our attachments sets forth the Council's position—it would seem that you could and should require USDA to force sausage suppliers to schools paid with Federal money to meet higher standards of low-fat, high-protein, hence better nutrition, than general suppliers to the public. If you abdicate now, the producers will continue undeterred in their eternal search for cost-saving at the expense of children's bodies.

The various commodity divisions in the Consumer and Marketing Service that do the actual buying of section 32 and 416 foodstuffs do indeed set tough specifications for the products they buy. USDA could just as easily promulgate nutritionally meaningful standards for products bought by the schools with section 6 funds or section 4, 11, and 32 cash. In fact, USDA has a fat content specification for ground beef that effectively limits the fat content of hamburgers to 25 percent. Are frankfurters any different because they are more frequently consumed? It is not. Therefore, beyond section 32 and section 416, section 6 commodities and commodities purchased with Federal cash should have strict standards of nutrition, because that is after all what we are after in this bill, good nutrition. If you are going to give the schools money to buy hot dogs that are loaded with fat, then I think it is a backward step and a wasteful use of Federal funds, which you would obviously be concerned with.

Going on to the rather complex and difficult to read, I am sure for everyone, research and training provisions, 1 percent here and 1 percent there, they are all, as all research and training provisions are in every part of the Government, rather vague. We have some suggestions there. We would suggest that you replace the Talmadge authorities with specific authorization for research and development grants administered by the Secretary—\$50 million or much less than 1 percent of Federal program costs, and that is really a low figure when you are talking about R. & D.—and limited Federal assistance for training personnel with emphasis as Senator Javits has said on providing employment as food service aids on the first rung of a career ladder to unemployed poor persons—\$10 million. That is something that is happening not in the Department of Agriculture, but in the Headstart program. I am Secretary of the private Headstart program in this city. This year we are employing 24 food service aids to serve food to the children, which is 24 more jobs in the District of Columbia than

existed before. Under the school lunch program, as far as we know, very few poor people are getting jobs, although there the amount of money available for food service is greater than Headstart funds.

We would also suggest that you add on authority for curriculum development. This is one thing that is missing from the Talmadge bill, but it is in the Perkins legislation. You should make it clear that research will focus on the various possibilities for financing child nutrition programs. In other words, the first time this has been explored publicly is here. I think one of the things you might ask for in your prerogative, Mr. Chairman, is a very detailed statement, prepared by the Department in April of this year. All 50 State school lunch directors met for 3½ days and considered every one of the issues we are talking about here. These are the people who have the day-to-day administrative responsibility. They came up with various recommendations, almost all of which the Department of Agriculture has either ignored or in no case has made public. We happen to have a copy of that. But I think they should make it public to you so you can see what the State people would like. Although they do not obviously focus on H.R. 515 or S. 2548, essentially, their concerns are almost the same as those exhibited in these two bills. That is the best evidence. That is the evidence you have not heard here except from Miss Martin, and there are 49 other school food service directors, although most not as good as she, and most not as concerned. Nevertheless, they were good enough to come together for 3½ days and prepare their platform. You should be aware of it.

With respect to State matching, the only school-lunch director we know of who objected to the Perkins provision was the State school director of Colorado.

The CHAIRMAN. That is 4 to 10 percent.

Mr. KRAMER. Well, it is different figure levels. But you see, for instance, next year, there will be a matching requirement for Mr. Perkins' bill, none for the Talmadge. The following year, Mr. Talmadge's will exceed Mr. Perkins' requirement by \$13 million, which is relatively insubstantial when you distribute it across the country.

I will not go into all the other kinds of things we think research should do. These are stated in my statement.

I have a very full and lengthy discussion, and I know you are getting tired, but I want to speak to eligibility for free and reduced-price lunches. I say this is the sorest point. Interestingly enough, if you were interested in avoiding litigation—let me give you an example.

In Modesto, Calif., September 8, poor parents went into court, because the Modesto officials said everybody whose income is 80 percent of the poverty level gets a free lunch unless there are more than 400 of you. The court said that will not do; "you will feed all poor people lunch. If you have to do that by charging the middle-class kids an extra nickel, that is unfortunate." The only way to eliminate this problem of court direction of the eligibility standards in school lunch programs is to change the rather feeble administrative direction and replace it with congressional direction of the school lunch program. Therefore, as Senators McGovern and Javits have said, we implore you to apply a national eligibility standard. What is happening now is a confused unbelievable mess.

We are talking today, or have been in the past 3 days, about the State matching requirement forcing schools out of the program. I do not know if you realize that there is already a regulation on the books that would, if properly administered, probably cut half the schools in the country out of the program today. They are supposed to be in compliance with regulations issued on October 29, 1968, on free and reduced-price lunches. As far as we have been able to discover, only two people in the Department of Agriculture are concerned with whether they are complying at all. Those are rather complex provisions. They provide for establishment of the policy; public announcement of the policy, as to who gets it and who doesn't; appeals provision so if they say your income is too high, you can go to another group of people and appeal; and finally, the prohibition of overt discrimination.

As far as we know—and we know pretty far—the Department of Agriculture has done nothing about enforcing their own regulations and the courts are going to look into that. If you promulgate a regulation, you are supposed to enforce it. That regulation said if you did not comply with all the provisions by July 1 of this year, no more school lunch funds for you. That applies to all the school districts in this country.

What should have happened is that little Johnny should have been told if his family were on welfare, he was eligible for some help in meeting his lunch bill or that if his family's income was less than \$2,000 a year he was entitled to a free lunch. Little Johnny should also have been able to secure his lunch at the same time and on the same serving line in the same lunchroom entered through the same door as little Bill who paid 30 cents. And little Johnny should have been given the same meal as little Bill (even if little Johnny didn't want the broccoli) and have handed a ticket or token to the cashier lady that was exactly like the ticket or token Bill gave her. Nor should little Johnny have had to wash the dishes afterward or sweep the floors in return for his lunch while Bill played ball. This was law that came out of the administration and not out of Congress. That is what ought to happen this year. What did happen and is happening, we do not know for certain, because the Department has passed the monitoring buck on to the States. It is the States that have to handle this hot potato under the guidelines to assure through administrative reviews, onsite evaluations, and any other means "that determinations are being made in accordance with announced policies" and "that overt identification of any child receiving free or reduced-price meals is avoided," in accordance with announced policies.

We have included on page 31 a sample of one of the declaration policies that is now in effect which is so clearly in contravention of the law.

Senator DOLE. You do not object to the States having some role in this program; do you?

Mr. KRAMER. As far as reduced-price lunches and determining eligibility, I object strenuously. As far as everything else is concerned, I think it is in my testimony that we think the States should have an even greater role.

Senator DOLE. I agree with that part of your testimony about the States having a greater role in financing the program, but I think

they also should have some responsibility in administering the program.

Mr. KRAMER. That is what we are complaining about, that they have not accepted the obligation that the administration gave them. One reason is, there are not enough State administrative expenses. We talk about a matching requirement in section 4, but if you are talking about the States looking at 70,000 schools in the country to see if they follow the guidelines, you are going to end up with State personnel costs that are probably equal to your matching requirement under section 4.

I should say that in a sense, this is what is happening in the food-stamp program without people realizing it.

Last week on the floor you approved the variable purchase concept, which means that a food stamp recipient could come in on any day of the week and buy any percent of his food stamp quota. On the House side there is a suggested provision for matching requirements for the States. You do not need a matching requirement for the States when you are going to require issuing offices to be open 5-days a week so the people can come in any number of times a month because in a sense, you are imposing on them administrative costs at least equivalent to any matching cost.

Here there is State responsibility, but no meaningful shouldering of it. We can expect and actually have actual legal violations because they just do not bother. They cannot afford to. The State school lunch directors will tell you this more frankly than anybody else. They do not have the staff to do the supervision that the regulations impose upon them. If you had a national standard, then the State could do a spot checking, the standard would be clear, would be published, would be in the hands of every schoolchild.

For instance, the guidelines make it very clear that whatever policy you have, you have to announce. Maybe you would have a policy that everybody with a family income of under \$100 a month for a family of four would get a free lunch. That is a policy. You are supposed to pass that out to the parents.

Mississippi is standard, and Mississippi is not atypical—I pick on them because I happen to have it right here—here is what they told their school districts to do:

“It is suggested that income and family size scale be withheld from publication to families.”

In other words, do not tell the families what the standards are. This directly in contravention with the regulations. There will be a suit in Mississippi.

In Mississippi, in almost every instance, there is a violation of the regulations. Groups are now collecting all the State-issued guidelines across the country. But this is such an incredible task of manpower and it is all volunteer manpower, because the Department of Agriculture is not doing it, and lawyer manpower. OEO is going to be directly involved, because it is the neighborhood lawyers on behalf of their clients who are assuring that the poor children get the lunches and that the money goes out to the poor children. You are diverting your resources in a very complex way. You are diverting OEO resources, volunteer resources, putting a heavy burden on the States which they are not going to meet and therefore are going to violate, when a very simple Federal law and Federal regulation could be made

that \$4,000 a year, which is the food stamp eligibility scale, is the poverty definition; that is what you need to avoid this complexity.

I think when you talk about administration at the State level, you have to realize the very high social costs that are built in to have the States do it and do it inadequately, and having perhaps other Federal agencies like OEO's legal programs get into the act, forcing the Department of Agriculture and the State to comply. When you worry about, as many people do, OEO's legal services lawyer suing the Federal Government, the object is not to put OEO out of existence, but to terminate violation by the Federal Government of its own regulations.

I have put in here a summary of compliance adapted from work by Miss Jean Fairfax, who is the author of "Their Daily Bread," vice chief of the panel on food programs in the White House Conference and will be having more to say on her own in that regard at the White House Conference. I have here a sort of survey of what is happening across the country. It is a very sad state of affairs. The Richmond County, Ga., noncompliance is very glaring. Among the things it asks is would you be willing to let your children do a small amount of work, such as picking up paper, as part payment for the lunches they receive? Willy-nilly the moral defeat of whether you ought to work for something, it was established in these guidelines that you should not. Therefore, this is in direct violation of the Federal regulations.

In addition, it says, "Are you willing for a committee from the PTA to visit your home to investigate this application for free lunches?"

Snooping by a welfare official may be another thing, but snooping where the people live down the block is worse than overt discrimination on the school lunchline.

I agree with Senator Aiken that perhaps in rural areas, this discrimination is overly much made of. I am sure the children in Kansas know who is poor and who is not. It does not matter if they pay for their lunch or if they do not; that is something you see in terms of the clothing, something you see by playing with the children in the neighborhood. That is not necessarily true in a large city neighborhood, but it would be very much so in a ghetto school district. So overt discrimination is a consideration, but by no means the crucial one.

So as I say, the regulation mess is something that Senator Javits and Senator McGovern have indicated needs to be examined and rectified.

We have given you the costs involved as a maximum, \$464 million a year to serve lunch at a free or reduced price to everyone needing it. That is assuming school equipment is in place. We have also given you the rather frightening costs of serving everybody in the country breakfast and lunch around the clock. That is \$15.2 billion, neglecting the capital and equipment expense.

Two minor issues. One is, who is responsible for this program? Again the administrative cost and issue are of major significance. As the National School Lunch Act now reads, States disburse moneys to schools pursuant to agreement with them, and a school is "any public or nonprofit private school of high school or grade or under." Under the regulations, however, the regulations talk about "governing body responsible." That may be in some cases an entire school district, in

other cases, a particular school. To avoid the State and local option to permit schools to be the contracting body rather than the school district, the term "local education agency," which is a term of art contained in every significant piece of Federal education legislation, should replace the term "school" throughout the act. That would cut your administrative problem from 100,000 to no more than 20,000.

Just take in the newspaper this morning, in the State of Michigan, the Governor proposes to half the number of school districts in the State, a very commendable idea for easing administration.

Finally, one item on the State plan. Senator Talmadge's bill talks about the State plan. Under the Child Feeding Act presently in effect, which provides authority for administering cash to States in the form of at least six separate grants (general cash, special cash, equipment assistance, breakfast, nonschool food service, and special milk), each State automatically gets six pots of money on a formula basis to distribute among its schools at its discretion with limited controls and almost no accountability. Under the present Federal aid to education laws, however, States normally secure funds only after they have submitted and had approved by the Federal agency in charge formal State plans setting forth how the moneys are to be used throughout the State to further the purposes of the particular act from which they flow.

Under title I, you have to submit a State plan which shows what you are doing.

Submission of a detailed State plan concept in a meaningful form, not merely diluted, as now, to a simple State agreement to comply with the applicable regulations—I have attached to my testimony among other things, something that I think will shock you if you have not seen it before. This is a State agreement. You learn nothing from this about anything that is going to happen in the States. That is one of the reasons why the Department of Agriculture knows very little. This agreement says the State agency agrees to accept Federal funds for expenditure in accordance with the applicable regulations and any amendments thereto, and to comply with all the provisions.

That is a wonderful statement and I am glad they are going to do that, but this does not tell you what is going to happen in the State at all. Under other laws, you have to have a meaningful State plan. If they are going to open up the money pot, they ought not to get it just to do what they want to do with it. You ought to know what they are going to do with it, even if you do not have the right to approve or disapprove.

That plan, referred to only tangentially in the Talmadge bill in connection with the pourover provision, should contain as a minimum (1) a detailed description of the manner in which, during the course of the next few years with an ultimate deadline of the start of school year 1972-73, the applicant State proposes to universalize food service programs in every school in the State and every child in those schools that would like to take advantage of them, including a justification of the manner in which the State intends to deploy its equipment assistance funds; (2) exposition of a scheme for utilizing all child feeding funds allotted to the State—relying, in part, on the pourover authority—to assure that, as of the start in the school year next year, all of the 8.4 needy schoolchildren in this country have

access to some form of school lunch at a free or reduced price; and (3) installation of a reporting system that will require each local educational agency to submit a monthly report to the State comparing the number of poor children in the district, and they have those, because they give those to the State educational agency. They do not give them to the State school lunch director, although in fact, he is normally next door to the education director. You are comparing the number of poor children with the number of eligible children receiving lunches which is more than we have now.

I would like to close by saying the national school lunch market is potentially \$5,200 million in scope exclusive of equipment and capital costs (52 million children at approximately \$100 a year—180 day times 58 cents less absenteeism). At least \$3.2 billion of that market is presently untapped. The benefits to all Americans that would flow from opening up that potential are immeasurable. Improvement in the physical and mental health of poor children and, indeed, of all children as well as in the financial health of good suppliers and producers and food service personnel would be guaranteed. Employment and profits—those twin American idols—could not avoid increases. You have the chance, with the Talmadge bill and the Perkins bill.

That, after all, is why the manufacturers of equipment and the food service people are in here. It is \$3.2 billion at stake if this program is really opening up. The benefits to all Americans that would flow from opening up that potential, to start the school lunch gold rush of 1969 and do for the impoverished innocents what you began 23 years ago for their better off brothers and sisters. What is sauce for the goose should be sauce for the gander. And 32 million children would like sauce on something.

Thank you for sitting still so long.

(The prepared statement of Mr. Kramer is as follows:)

Mr. Chairman and Members of the Committee: I appear before you today at what will hopefully prove to be a dramatic turning point in the history and fortunes of the so-called National School Lunch Program. In 1946, Mr. Chairman, you and Senator Russell created this Program in the hope that every American school boy and school girl who didn't want to or couldn't return home for lunch would have access to a nourishing meal at school. Somewhere along the way in the course of the past 23 years, that hope and with it the chance of meaningfully educating millions of hungry youngsters, has been lost, for certainly we are entitled to label as "hunger" the gnawing, rumbling pangs that afflict us all when we have nothing to eat from 9 a.m. to at least 3 p.m. What went wrong? The answer is crystal clear: too much rhetoric and too many promises, followed by little or no delivery. I am here now to suggest that the Talmadge bill, S. 2548, and the Perkins bill, H.R. 11651, provide the perfect vehicles, with a few amendments which I shall propose, for finally fulfilling the commitment you made two decades ago.

In 1962 Congress resolved that the seven-day period beginning with the second Sunday in October would be known as National School Lunch Week. The celebration you proclaimed in 1962 continues not only undiminished, but with typically American hoopla. The American School Food Service Association has a special committee to oversee the festivities; the Department of Agriculture and state education departments crank out propaganda by the carload. Meanwhile, back in the cafeteria, considerably less than half of the children are being fed. In 1962 Congress also passed a law authorizing an initial \$10 million in fiscal 1963 and unlimited appropriations happily ever after to provide special assistance to schools with pupils from poverty areas so that children who could not afford to pay the full cost of their lunches could nonetheless be fed. That act languished in the closet for four years until Senator Hart gave it a transfusion. Last fiscal year, already seven years behind schedule, it hit the \$10 million mark.

Thus, a tale of two countries: official Washington which heralds and ballyhoos and rejoices and poor America which gets fed words in place of substance. This year National School Lunch Week rolls around appropriately enough on October 12th. The National Council is suggesting to the families of poor and even middle-class and affluent children that like Columbus, they discover America, but as a land of empty lunch bags.

From October 12 through October 17 some 19 million-plus children can celebrate their receipt of a federally-subsidized lunch at school. The other 32 million pupils will have nothing much to be jubilant about. Semi-National School Lunch Week won't make any difference to these left-outs.

Some of them—the lucky Campbell Kids—can skip home for a nice hot meal. Some can head to the corner greasy spoon for a coke and a candy bar. The rest—we estimate 15 million—can utilize their non-lunch hour to wonder why they should not be fed. They can contemplate:

An America which trumpets its claims that it “helps provide wholesome, appetizing lunches to the Nation's school children every school day”, while ignoring the fact that it fails to serve three out of every five students;

An America which would commemorate when it should condemn the prospect of 10 million boys and girls from all economic levels attending schools where no food service is available, 9 million of them living in rural and suburban areas or small cities, not in major urban ghettos.

An America where nearly 5 million children from impoverished families are taught the hypocrisy of hunger amidst plenty, all because their parents cannot afford the cost of lunch and no one else will help.

The National Council intends to help America wake up to the damage its neglect, ignorance, and stinginess inflict on its sons and daughters—225,000 in Philadelphia America; 595,000 in New York America; 74,000 in Memphis America; 490,000 in Chicago America; 231,000 in Detroit America; 101,000 in Cleveland America; 209,000 in Houston America; 50,000 in New Orleans America; 25,000 in Birmingham America; 27,000 in Omaha America; 38,000 in Kansas City America; 331,000 in Los Angeles America; 84,000 in San Diego America; 83,000 in Seattle America. We cannot continue to let them eat cake.

The National Council wants everyone to realize that all the technology and teachers in the world cannot counter the damage of deprivation at noon, damage compounded by non-breakfast before school begins and non-dinner upon returning home. It is time for America to confront the truth about lunch at school—most children, like the last little piggy in the nursery rhyme, get none. Let every American learn of the scarlet F engraved on the program's report card. Let the word go forth that the Federal, state and local governments have flunked again.

And so the National Council has called upon each community to keep National School Lunch Week in its own way to insure that every American becomes aware of what is not happening. The mode of observance will vary from place to place, depending on the imagination of the celebrants and the manner in which they choose to dramatize the refusal of the schools to supply free or reduced price meals to every needy child. For that is the central problem and that should be your Number One priority.

FINANCIAL AID FOR FOOD COSTS

The Talmadge and Perkins bill offer you the opportunity you should seize. The focal point of the Talmadge proposals is, after all, more money, both state and Federal, directed to supplying free or reduced price (defined for the first time in the history of the legislation as a 20-cent maximum) lunches to needy children and to equipping schools to enable them to provide food service. The authorization levels for special assistance under Section 11 of the School Lunch Act would climb immediately from the present projected fiscal 1970 appropriations level of \$44.8 million to \$200 million and then move on to a plateau of \$250 million for fiscal 1971 and \$300 million in 1972. In seeking to multiply at least five-fold the amount of funds specifically available to supply lunch to needy school children, Talmadge relied on the estimate of his state school lunch director that an additional \$214 million was required to close the poverty lunch gap to reach an additional 3.5 million children for 180 school days with an average reimbursement rate per meal of 34 cents.

The two major variables upon which such estimates depend are the number of poor children requiring help and the cash level of Federal food aid as opposed to Federal commodity donations and Federal funds to buy equipment. In fact, the latest available information contained in the revised August, 1969 calculations of poverty in the United States in 1967 prepared by the Bureau of the

Census indicates that there are approximately 8.4 million children of school age from poverty families under OEO standards who, in order to eat lunch, require financial assistance in the form of a free lunch or a substantially reduced price. USDA comforts itself with a 6.6 million figure, which does not comport with the Government's own data, but the right hand does not know who the left hand is not feeding. The average lunch bill now runs to 58 cents, of which at least 36¢ is attributable to the cost of food alone. The Federal Government donates an average of 10 cents worth of commodities (highly nutritious Section 6 foodstuffs, price-supported Section 416 staples, and surplus Section 32 products) and is limited to maximum cash reimbursements for needy schools of 34 cents per lunch (the 9 cents maximum rate for all lunches plus an additional 25 cents for schools in economically deprived areas), although, in actuality, reimbursement for specially-assisted schools averaged but 20 cents in fiscal 1969 and is anticipated, under the present Nixon budget, to reach only 23 cents in 1970. This cash reimbursement covers more than the bald cost of going to market, since it may also encompass the cost of processing, distributing, transporting, storing, and handling purchased products. The only costs not intended to be covered by the Department are the labor charges involved in actually preparing and serving the meal.

If the Federal Government were to furnish the maximum possible cash assistance to every school in the country (assuming every school either had food preparation and service equipment or could have prepared food delivered by other mechanisms) to feed every needy pupil, the bill to be paid would approximate \$2.86 million every day (34 cents $\times$ 8.4 million children) or \$515 million during the school year less 10% for absenteeism, leaving approximately \$464 million as the base sum. Actual Federal cash for free and reduced price lunches is expected to total \$133 million in school year 1969-1970, consisting of \$44.8 million for Section 11, \$61 million projected from Special Section 32 funds (the states have other alternatives for using this money), and as much as \$27 million of the \$168 million anticipated in general Section 4 funds that subsidize lunches for everyone, including middle-class and rich students, approximately 16% of which it is estimated is ultimately directed to the poor. This would leave a cash deficit of some \$331 million, not \$214 million.

One thing is certain. More Federal financial aid is vital to assure that poor children receive lunch in school, much more. The Talmadge bill would go at least part way toward meeting that need. The Perkins bill would furnish another desperately-needed boost to the goal of lunch for every poor pupil. While the states would be free to allocate their share of the \$100 million to any food service program under the National School Lunch Act or the Child Nutrition Act of 1966 (with a 5% limitation of use of funds in any State for nonschool food service) as well as to the rental or purchase of operating equipment and State and Agriculture Department administrative expenses (a 2% of the total funds limitation would be imposed here), they would have to direct the proceeds to provide meals to "children whose parents or guardians do not have the financial ability to provide for the adequate nutrition of the children" or who have been "determined by local officials as in need of improved nutrition." The needy would be the sole beneficiaries of the Perkins' largesse, regardless of the means selected for delivering food. Even then it is likely that lunch would be allocated at least \$50 million on a nationwide basis, which would increase potentially available lunch funds for the needy by almost 40% (if the House ever decides to go to conference with you on the Agricultural Appropriations Act of 1970).

Recommendation: Approve the funding levels in both S. 2548 and H.R. 11651, the former, an authorization; the latter, an appropriation.

SPECIAL ASSISTANCE FOR SCHOOLS OR CHILDREN ?

The Talmadge bill would go beyond an infusion of more funds to revise the basis for distribution of those funds. Section 11, as it stands on the books, permits payment by a State of special assistance monies only to schools in the State selected in light of factors that focus exclusively on the economic problems of the schools and the nature of the area in which the schools are located rather than on the problems of the poor children who are in attendance. Thus, if a small school of 150 pupils, nearly all of whom are poverty-stricken, is situated in the heart of a ghetto, the odds are great that the school will qualify as a Section 11 school and those pupils will receive free or reduced price lunches. But, if a school is situated in the suburbs and draws its 2,000 pupils, of whom 200 might be classified as poor, from an area that is more affluent than not, the chances are-

slim that any of the 200 will be given lunch unless the school collects enough from the 1,800 well-to-do to balance subsidies to the poor. The inequity is that the formula focuses on the need of the school (in terms of its location, the percentage of free lunches it serves rather than the absolute number, the prices it charges for lunch, the relative financial status of its lunch program) rather than on the needs of the children the program is intended to serve. In addition, some schools have objected to being singled out as "poor."

The Talmadge bill would rectify this situation by reversing these warped priorities and requiring the Section 11 money to follow the child, not the school. Regardless of the factors previously relied upon, otherwise ineligible schools could be chosen by the State to receive Section 11 funds to feed their needy children. Where severe need existed, so that the Federal contribution rate (the 34 cent maximum or, in reality, 23 cent average) would be too small to guarantee an effective program, the Secretary would be empowered to pay up to 80% of a school's operating costs. For the first time outside of the breakfast and non-school food service programs, where this possibility already obtains, Federal cash could be utilized to pay for the labor involved in preparing and serving food. Paying for labor is a crucial problem. Labor can add as much as 20 cents to the cost of a meal. Local school districts have great difficulty in meeting these labor costs, even with Federal support for the food bill. Some cannot use Federal food funds, because the labor bill for readying the food for eating is beyond their budgets. Others have had to turn to non-USDA sources to afford labor. The revised Section 11 would start to obviate this problem and with it a rather unsavory civil rights dilemma.

Recommendation: Adopt S. 2548's provisions.

LUNCHES FOR BLACKS AND WHITES

In many states in the South, quite noticeably North and South Carolina (\$3.5 and \$3.4 million, respectively, in fiscal 1969), Texas (\$3.4 million), Georgia (\$2.8 million), and Arkansas (\$2.5 million), funds from Title 1 of the Elementary and Secondary Education Act of 1965 (ESEA) have been employed to fund food services in the poorest school districts. Indeed, of all Title 1 funds expended upon food (\$32 million in fiscal 1969), some 70% has been spent in nine Southern states. When HEW has determined that any of these districts have failed properly to desegregate under Title VI of the Civil Rights Act of 1964, the funds have been cut off and school lunch programs dependent on those funds have been curtailed, although school lunch funds administered by USDA are not so treated, because of the legislative history of the Civil Rights Act for which Senators Humphrey and Pastore were responsible. The result—white intransigence leads to black deprivation of food. Sensing a way to employ sentiment in behalf of hungry children as a means of beginning the gutting of Title VI, Senator Talmadge earlier this year seized upon this denial of lunch to introduce legislation, S. 1472, that would, among other things, permit segregated lunch service in previously integrated schools without any possible threat of the cut-off of Federal support. The present bill contains no reference to this effort to subvert from Title VI. It would accomplish the Senator's objective—making sure that poor children are fed irrespective of the discriminatory status of the school that feeds them—without impairing Title VI, because it would make available from USDA (and thus free from Title VI concerns) added funds to the poorest districts, enabling them to compensate by substitution for the loss of Title I monies. Interestingly enough, Senator Talmadge has defended his revision of the deployment of Section 11 special assistance funds to concentrate on the child rather than the school by pointing to the example of poor children bussed into schools located in affluent areas in order to achieve "forced integration", who would not get help in obtaining lunch under the Act as written.

Recommendation: Follow S. 2548 and abandon amendment of the Civil Rights Act of 1964.

AID FOR EQUIPMENT

The cost of food may be the major factor in the cost of providing school lunch, but equipment costs are crucial in deciding whether lunch can be served at all. Approximately 10 million school children attend school where no lunch is available because of the lack either of equipment located in the school or of some acceptable means of bringing already prepared food into the school for service there, such as the use of central kitchens or commissaries. Nearly 2 million of these children are estimated to come from poverty-stricken families. The Tal-

madge bill recognizes the urgent need for immediately increased equipment funding by authorizing \$38 million for fiscal 1970. \$18 million is authorized under Section 5 of the Child Nutrition Act of 1966 for nonfood assistance, but the Nixon Administration sought only a \$10 million appropriation to be supplemented by an anticipated State expenditure of \$5 million for equipment from special Section 32 funds. From the instant peak of \$38 million designed to break the back of the equipment problem, the Talmadge funding level would subside gradually to \$33 million in fiscal 1971, \$15 million in fiscal 1972, and \$18 million hereafter. Any portion of the \$100 million contained in H.R. 11651 assigned to this purpose would give an additional boost this year.

The Talmadge formula for allocating these millions makes superficial sense, but has hidden defects. The idea of allowing those states with the best facilities to receive the bulk of equipment purchase funds seems to be appropriate unless the same standards that Talmadge purports to apply to Section 11 cash are brought to bear upon equipment assistance. The program is not designed to help schools. It is designed to feed children. There may be numerous schools without proper equipment (subsisting on ring burners at best) in, for example, Appalachian states like Kentucky or Tennessee, or the mountain areas of Wyoming and Montana, but it would not benefit many pupils to concentrate all of the funds in those States. A factor that takes into account the number of students enrolled in schools that would like to acquire new or replace existing food preparation facilities would be more meaningful, unless the object is to overlook heavily-populated ghetto areas with a small number of equipment-less schools attended by large numbers of children in favor of rural one-room schoolhouses with sparse attendance.

Simply authorizing the expenditure of these funds does not guarantee more widespread food service. To begin with, the private market for institutional food service equipment, which now approximates \$130 million per year, may not be able to absorb a sudden influx of Federal funds which, when combined with the requisite 25% local or State equipment matching, could increase demand by over one-third in the space of a few months.

Even more important, it is extremely doubtful whether empowering individual schools to go out and buy a complete set of the necessary facilities is the most efficient method of rapidly increasing the number of children eating in schools that previously served no lunch because of lack of facilities. Again, it is the children to be fed and not the schools to be equipped that ought to be the center of legislative attention. The Talmadge bill, unlike Perkins' H.R. 515, would not even authorize the far cheaper practice of renting equipment to get more equipment mileage out of the same amount of money. What the Talmadge bill lacks even more than rental permission is specific direction to the states to utilize funds for nonfood assistance not simply to supply equipment to individual schools, but to equip schools to serve lunch (there is more than just a semantic difference), even if this means supplying the equipment monies to some central kitchen or commissary which will, in turn, deliver prepared food to the schools. Despite the Senator's protestations that the bill would "allow private food services to provide temporary assistance to schools where new equipment could not be installed immediately", there is no intimation whatever in the equipment section of the bill that private catering is welcome on even an interim basis or that there is to be any substantial innovation in school food delivery. Private catering or public innovations such as centralized commissaries would relieve schools of the substantial investment in equipment, which one study estimates to cost an average of \$65 per child or over \$50,000 per average high school and considerably over the \$10,000 per elementary school projected by USDA.

The Talmadge bill does not open the door very wide either to multi-school, multi-district, or even multi-state school food service (for example, a commissary preparing meals for feeding school children in both Washington and Baltimore) or to private food service management companies. The declaration of policy that controls the National School Lunch Act (Section 2) refers to aid only to "nonprofit" school lunch programs and the definition of "nonfood assistance" contained in Section 12(d)(4) of the Act includes only "equipment used *by schools* in storing, preparing, or serving food for school children," and Section 5 (a) of the Child Nutrition Act of 1966 refers to assisting "States . . . to supply schools . . . with equipment for the storage, preparation, transportation, and serving of food . . ." The combination of these provisions, coupled with the Talmadge bill's silence on these matters other than in the special development project section, would leave private catering and/or centralized food service right

where they stand now—in limbo, with a potential assist to realization on a very limited demonstration basis.

As a result of the exclusively "nonprofit" nature of the school lunch program, slipshod practices of private food service enterprises, and the professional jealousies of local food serving personnel who are fearful that their employment opportunities might be curtailed if ARA or Canteen get into the act, until January, 1969, USDA's school lunch regulations prohibited any kind of contractual arrangement with a concessionaire or food service management company to operate any Federally-funded food service. USDA took a halting, but progressive step in January, by announcing that schools would be permitted to participate in the school lunch program, even if they turned over their food operations under contract to profit-making companies on a pilot, experimental basis, but only if the contracts would result in bringing food to needy children who had not previously had access to lunch at school, the companies would adhere to the program's rules contained in three alternative mandatory prototype agreements of some degree of complexity, and both the state and USDA approved the agreement before catered food service began. The one absolute was that the companies could not install one of their own employees in the school as resident manager of food service. Over-all control of food service operations was to stay in the hands of the schools. Union jurisdiction was to be preserved.

Although this conditional permission to farm out the program has existed since January, not one school district has sought its advantages, indicating the lack of innovative energy in food service in schools and also the overkill practised by the Department in preparing agreements that would so confine the freedom of action of caterers as to chill their ardor for entering the school field. The nonprofit ideal of the lunch program remains unsullied (the profit is disguised as a management or food fee) and at least 10 million school children remain unfed as a living sacrifice to the program's virtue.

While any approach to catering is, at best, half-hearted, resort to central commissaries administered on a multi-jurisdictional basis (schools, districts, states) does not and cannot exist unless the facilities are physically located on one school's property. USDA's Nonfood Assistance Application form encompasses central kitchens, but only if a school serves as such. Non-school entities need not apply.

The Talmadge bill leaves the guiding provisions of the Act that make it difficult to employ caterers or create commissaries untouched. Catering and commissaries have no legislative home under S. 2548, unless a State educational agency were willing to finance them as demonstration projects in competition with school food service research, surveys, and information dissemination out of a maximum of 1% of the funds appropriated to carry out the Lunch Act and Child Nutrition Act (this would amount to approximately \$6 million, since the House appropriations level is \$611 million and the Senate \$580 million) or were agreeable to funding them under the "special developmental project" label or "pilot programs for improving the methods and facilities for providing food service to children" out of a state reserve of 1% of funds available for apportionment to the state (perhaps \$4.5 million for all 50 States, since commodities and Federal administrative expenses must first be deducted from over-all program appropriations). Senator Talmadge has indicated that he envisions "equipment packaging or delivery systems specially designed for school feedings" as potential special development projects, including jointly financed arrangements involving more than one locality or state, but the State educational agencies would have the final word on whether to fund locally-developed projects. No group of schools would have the financial ability to attempt the commissary approach without State grants. No State has yet exhibited active interest in seeking help from the private sector's advanced food technology or in otherwise changing the nature of institutional food service.

Whether or not private catering or commissaries can furnish a meal at less cost than and with as good nutritional results as equipping a school to perform the same job will remain a moot matter until efforts are made to go beyond studies to action as suggested by USDA Assistant Secretary for Marketing and Consumer Services Richard Lyng, who, in a major address at the American School Food Service Association convention in Detroit on August 5, informed his audience of old-time food service personnel:

Our greatest attention must be directed to those schools that are old, poorly equipped and exist in low-income and often crowded areas with very little in the way of resources to feed hungry kids. How are we going to reach them

with food service? More and more, our thinking is moving away from trying to build kitchens in these schools, but instead to supplying foods in ready-to-eat or almost ready to eat forms to be served any place in the school, even right at the youngster's desk, if necessary. Then we concentrate our nutrition, technological and management know-how on the development of large-scale food commissaries or factories, if you will, that convert raw food into attractive meals in well-controlled, high-speed production facilities.

From experience with this approach in several large metropolitan school systems we know that it can result in considerable savings in labor and equipment costs, resulting in great economies in the overall food service program. Here one large eastern city, has a satellite food service, in which 11 send-out schools service 50 surrounding schools with complete Type A lunches . . . What's more, the food service people have found that the uniformity of products and preparation methods have led to better meals that actually sell themselves to the students. Officials of this school district anticipate that the satellite system could reach as many as 200 schools by 1973, with an annual savings of \$82,000 in food costs alone. They say it's possible to save as much as \$6.7 million over a five year period in space, equipment and labor. Satellite systems, central kitchens and similar operations are being tried in many large and small cities of the country. We must all watch these developments very closely to see where new findings, new technology, new management techniques that work in one area can be applied somewhere else.

Many school feeding systems could, I believe, move much faster with much less capital outlay and much lower costs, by going a slightly different route from the central or satellite kitchen approach. That is to buy complete meals or most of the components already prepared. This potential is just developing and I believe the specialists in our school food service programs are in a position to encourage this development. Our school lunch managers and administrators are experienced in buying under specifications and have a professional understanding of quality and quantity control. We can be leaders in this field and at the same time get meals to a lot more youngsters.

There is one opening in the Talmadge bill worthy of exploration in this regard, even though it amounts only to undoing a negative contained in the Perkins legislation. H.R. 515 as drafted would have prevented State matching funds from being used other than "in the schools." Senator Talmadge, on notice that this might prevent employing State tax funds for central food preparation or other activities occurring outside the schools, carefully changed the wording of his bill to permit use of the State revenues for any program purposes whether performed inside or outside of the schools, except for payment of salaries or state administrative expenses. Whether this constitutes an indirect invitation for schools to innovate on a large-scale rather than experimental basis remains to be seen, but the definitional limitation upon rendering equipment assistance outside of schools remains a substantial barrier to the deployment of the bulk of Federal as opposed to state source funds in imaginative ways.

Recommendation: Change formula for allocating equipment funds to states in S. 2548 to reflect number of pupils in equipment-starved schools rather than number of schools; authorize equipment rental; remove "nonprofit" limitation from the Act; permit purchase of equipment to be used anywhere to furnish school lunch rather than restricting use to sites in schools; generally encourage resort to catering, commissaries, and the like.

ADVANCE APPROPRIATIONS, CARRYOVER, AND FLEXIBLE USE OF FUNDS

Neither State nor local school food service officials can adequately plan to spend either Federal money now available or the money that might be forthcoming should the Talmadge bill be enacted, unless they are able to plan sufficiently in advance for proper program implementation. For example, the special Section 32 funds that the States were free to use to feed needy children either by reducing lunch prices or providing breakfasts or buying equipment or paying for State administrative expenses, and which were intended to be spent by June 30, 1969, were allotted in December 1968, half-way through the school year and, as late as May 5, only 60% of the monies had been made available. Principals cannot be expected to project which children in their schools will and which will not be entitled to a free or reduced-price lunch unless they can be made aware well before the start of the school year what their share of Federal aid for free and reduced-price lunches is likely to be. The Talmadge bill would solve this problem by authorizing funds to be appropriated for the school lunch and related pro-

grams one year in advance. Under the bill, for example, the Department could request that appropriations to be spent in the school year 1970-1971 (fiscal year 1971) be made now, while State allotments would be based upon school lunches served in the 1968-1969 school year. The bill also provides that, if any funds appropriated to carry out the Lunch Act in any year (this apparently does not apply to equipment funds or breakfast funds, which are part of the Child Nutrition Act of 1966), are not expended because of lack of facilities or personnel, they may be carried over into the next fiscal year.

A more serious problem affecting many States in recent years involves the over-compartmentalization of child feeding programs, with separate funds separately applied to lunch, breakfast, equipment, administration, and nonschool food service. Some States or school districts, confronted with a heavy run of needy children, have exhausted their supply of Section 11 funds that would enable them to reduce prices on lunches served to the needy only to have to look longingly at their pool of equipment money which they have not been able to exploit fully, but cannot touch for other purposes. The Talmadge bill would permit the possibility of a flexible interchange of funds among the five district uses by permitting a State acting under an approved State plan to transfer funds between all of these programs without any limitation on the extent of such transfer. Thus, each State could individualize its efforts to feed the needy in its school population rather than being forced to operate within the rigid apportionment formulae.

Ideally, all of the hodge-podge of programs and sections that make the National School Lunch Act and Child Nutrition Act of 1966 a school administrator's nightmare and an accountant's delight (the Mayor's Task Force in Baltimore pinpointed some 16 separate Federal sources for feeding children in school settings) should be collapsed into one block grant program subject to the clear priority that each State's funds be used to feed all of its needy scholars at least lunch, with the remainder deployable for reducing the cost of feeding the other children lunch and all the children breakfast or suitable snacks. Until that day, which is perhaps around the corner, the Talmadge flexible pourover is acceptable.

Recommendation: Follow S. 2548, but permit carryover of breakfast and equipment monies.

STATE MATCHING REQUIREMENT

The real secret to expanding the ability of schools to serve lunch to all those who need it but cannot afford it, and ultimately perhaps to make school food service universal, is to prompt State governments to put up their fair share of the cost. The National School Lunch Act of 1946 seems to mean business on its surface, for it requires three-to-one matching of the Federal dollar by the State from any "source within the State determined by the Secretary to have been expended in connection with the school lunch program." Unfortunately, because of legislative history attributable to the Chairman, the concept of sources within the States was diluted to include children's payments and locally donated services or supplies or facilities. Thus, while the three-to-one matching requirements may seem stiff, in fact, nearly 53% of all school lunch programs costs in fiscal 1969 were furnished by the children who received the lunch rather than by State governments, and State and local governments put up only 5 cents of every 58 cent meal, while the children contributed 30.5 cents, the Federal Government 13 cents, and locally donated goods and services 14.5 cents. Thus, the state of Mississippi is able to get away with allocating only \$109,000 for its share of a \$25 million school lunch program. No more than half the states now appropriate or use State funds for school food service.

Local effort is indeed where it should be at, but all the slogans and shibboleths in the world cannot disguise the fact that state and local governments will, in nearly every instance (some notable exceptions appear to be Louisiana, Utah, New Jersey, and New York), shy away from doing their part in financing child feeding programs unless they either are confronted by an outraged, politically potent citizenry or are subject to Federally imposed stringent matching rules. Liberals have been fond of rejecting out of hand any State matching provision tacked on to social legislation because of the usual truth that the more the matching, the less the likelihood that state or local governments will want to participate at all. But the instinctual reactions of liberals are irrelevant here. School lunch is a universally-approved subsidy to the middle-class (only \$133 of the approximately \$638 million planned for fiscal 1970 or slightly more than 20% is angled toward the poor). No school system and no State would dare cut off its head to spite its nose. Avoiding some reasonable level of

State-local cost sharing with the children and the Federal Government by abandoning the Federal program entirely is simply not a viable alternative anywhere, including the Deep South. You don't go out of your way to antagonize middle-class voters.

The solutions then are two-fold: local pressure and Federal regulation. The former can be quite successful. The Reverend Jessie Jackson's hunger marches throughout Southern Illinois stimulated the Illinois legislature to pass last month a \$5.4 million appropriations bill designed to enable free lunches to be served to 200,000 needy pupils throughout the state year-round. A local vigilante committee of bishops, cardinals, rabbis, Junior Leaguers, and just plain folks in Maryland only three weeks ago forced a recalcitrant Governor, who is more interested in budgetary surpluses than in poor people's deficits, to announce a State contribution of \$1.2 million to a feed-the-needy-lunch campaign at a \$25 a plate civic dinner that itself netted \$22,000 for lunches for the poor. The National Council's ten staff workers have covered most of the South, Arizona, California, Oregon, Washington, Kansas, Nebraska, and Iowa this summer seeking, among other things, to organize locally concerned groups and individuals to put the heat on their officials to cough up school lunch aid. The results have been scattered, but the rising trend is undeniable. Law suits filed in Oklahoma, Kansas City, Detroit, Chicago, Boston, California (statewide) and Modesto (locally) and soon in Los Angeles and New Jersey have forced the States to face this issue. A nationwide conference of lawyers is planned at the University of Chicago in November to plot the strategy for an endless string of litigation directed at securing a meal for every needy pupil in every community in the country.

Nonetheless, and despite the best efforts of volunteers, some states and localities will not bear their fair share unless a Federal gun is pointed at their backs. That enlightened territory of California is a good example. The State legislature, by overwhelming majorities in both houses, passed a bill appropriating \$5 million to provide State funds on a matching basis for the school breakfast and lunch program for needy children. This would have been the first time that the State participated financially in the school lunch program which had previously been the fiscal ward of the Federal Government and the local school districts. But the Governor, anxious to demonstrate that his heart, but not his pocketbook, bleeds as much for the very young as for the sick and mentally disturbed, axed all but \$500,000 of this sum for use in a pilot program. As if there needed to be a demonstration on a pilot basis of feeding children.

To avoid future Reagans, S. 2548 is a must. Senator Talmadge wants to put the monkey squarely on the State's back, where it belongs. His bill begins by appearing to dilute matching through putting it on a \$1 to \$1 basis, but then turns about and requires the States, commencing in fiscal year 1972, to fund 10% of the matching requirement or 5% overall from State revenues (which might include State land rentals as well as State tax funds, although excluding State funds already being spent on State administrative expenses). Thus, in fiscal 1972, if the Federal government were to put up \$1, the State would have to meet this with 10 State cents and 90 cents from the children or local sources, such as donations. As of fiscal 1974, the matching requirement would rise to 20% or 10% overall (20 State cents to every Federal dollar); in fiscal 1977, it would become 30%, or 15% overall; in fiscal 1980, 40% (20% overall); and ultimately, by fiscal 1983, 50% (25% overall), or 50 State cents to every Federal dollar.

Talmadge would channel new State matching funds to those "schools with the greatest need in terms of number of children from low-income families," which is somewhat inconsistent with his basic trust to help the child, not the school. Senator Talmadge would accomplish this by allocating the funds in such a manner that each school would receive the same proportion of the new State matching funds to use for lunches that it does of Federal funds for general assistance, special assistance, breakfast, and equipment assistance. Since special assistance Section 11 monies are slated to rise considerably in the Talmadge scheme of funding, the eventual impact would be substantial benefits for the schools with the greatest number of poor pupils in attendance.

Recommendation: Adopt the Talmadge matching formula.

ADMINISTRATIVE EXPENSES AND COMMODITY DISTRIBUTION

The only way child feeding programs will be properly administered in the States is to furnish some reasonable level of Federal aid to those State institutions responsible for planning and developing program implementation that will enable them to hire competent staffs. The Talmadge bill would increase

the amount authorized for distribution to the States for their expenses by $3\frac{1}{2}\%$ of the appropriations for nonschool food service, equipment assistance, and breakfast, on top of the $3\frac{1}{2}\%$ of Section 4 (general assistance) and Section 11 (special assistance) funds now available, or a potential \$1,225 million increase in fiscal 1970, which is still slight. The funds so appropriated could go to help any State agency that is responsible for supervising and giving technical assistance to local school districts and other food service institutions (e.g., day care centers) vis-a-vis the programs for special assistance for free and reduced price lunches, nonschool food service, equipment assistance, and breakfast, rather than just to State educational agencies.

At present, the commodities that are distributed to schools under the lunch program come in three varieties—Section 32 surplus products, whose market prices are less than 90% of some ancient, mythological parity (primarily, in the 1968–69 school year, beef and pork, turkey, peanut butter, shortening, and an assortment of dry beans, corn, dried prunes, tomato paste, and the like); Section 416 price-supported produce (including a heavy dosage of butter and cheese, flour, non-fat dry milk, bulgur, corn meal, grits, rolled oats, and rice); and Section 6 products purchased solely on the grounds of nutritional needs (lots of chicken, frozen ground pork, apricots, grapefruit sections, peaches, pineapples, green beans, peas, and tomatoes). The Section 6 goodies are the most desirable, particularly because their purchase and provision are undertaken with careful planning and helpful timing, but also the least accessible. They are not available to schools that refuse to participate in the program. They are not available to schools for breakfast or to service institutions, such as summer camps and day care centers, in the nonschool food service program. The Talmadge bill would change all that by allowing the USDA Secretary to distribute Section 6 commodities to service institutions and schools for use in any Federal child feeding program. In addition, the Secretary would be mandated to use Section 6 funds to purchase “highly nutritious foods, especially those foods with a high content of Vitamin A or Vitamin C.” With proteins out of the way, the Florida citrus growers should have a field day, particularly since Senator Talmadge expressly referred to the need of middle-class children for orange juice in analyzing the new law on the floor of the Senate.

The proposed revision of Section 6 provides a perfect opportunity for another long overdue reform in Federal administration of food programs. If the Federal Government is going to spend millions of dollars to supply supposedly nutritious products to school children, then it should assume meaningful responsibility for the quality of those products. A very good place to start is with the hot dog, perhaps the most popular staple in all school lunches, although no statistics on its use are available. Only a week ago on Friday, September 19, USDA announced that it would limit the fat content of the hot dog to 30%. Without going into the details of this struggle—one of our attachments sets forth the Council’s position—it would seem that you could and should require USDA to force sausage suppliers to schools paid with Federal money to meet higher standards of low-fat, high-protein, hence better nutrition, than general suppliers to the public. If you abdicate now, the producers will continue undeterred in their eternal search for cost-saving at the expense of children’s bodies. The various commodity divisions in the Consumer and Marketing Service that do the actual buying of Section 32 and 416 foodstuffs do indeed set tough specifications for the products they buy. USDA could just as easily promulgate nutritionally meaningful standards for products bought by the schools with Section 6 funds or Section 4, 11, and 32 cash. In fact, USDA has a fat content specification for ground beef that effectively limits the fat content of hamburgers to 25%. Are frankfurters any different because they are more frequently consumed?

Many schools obtain Section 32 and 416 commodities without having to participate in the school lunch program and be subject to the requirement that they serve a Type A lunch or otherwise comply with school lunch regulations. 462 schools in Los Angeles operate on this basis to save local money. The Talmadge bill would end this Federal laissez-faire, allowing schools to save money at the children’s and Federal Government’s expense, by imposing regulations on schools receiving federally donated commodities with respect to the nutritional balance of meals served in such schools. USDA has already distributed to State school lunch officials a preliminary draft of such regulations which would require all such schools to sign National School Lunch Program agreements and submit a written plan to the governing State agency that would describe how the school

would offer all children nutritionally adequate lunches meeting Type A lunch requirements, priced as a unit and provided free or at a reduced price to needy children. Plans would have to emphasize the control of food selections by children to insure adequate nutrient intake and the sale of highly nutritional food. Schools that complied would be entitled to receive some cash reimbursement (including the 3 cents they already derive from the special milk program) up to the full cost of providing free or reduced price lunches to needy children in attendance there. These regulations could govern a prospective 14,000 schools as well as countless service institutions.

Regulatory authority would also extend under the Talmadge bill to the imposition of restrictions on sales of competing food items side-by-side with Federally-assisted food service. These restrictions, already circulating in preliminary draft, would make it a condition of eligibility for participation in the lunch program that schools agree to operate food service in a manner that would reasonably assure availability of a nutritiously adequate food intake, with service of any additional foods beyond the Type A format subject to approval by the State or USDA (for private nonprofit schools) as to times, places, and prices. Approval would probably be denied to the unrestricted purveying of candy, pop, and similar food and beverage items unless their sale was prohibited during lunch hour.

Recommendation: Report Talmadge provisions with inclusion of reference to protein-rich items in the list of Section 6 commodities. Expand administrative expenses funding by replacing percentage withdrawals from program costs with a new section and a specific authorization of \$7.5 million. Require high nutritional standards to be set for all school lunch commodities.

TRAINING, RESEARCH, AND SURVEYS PROJECTS

There are benefits in the Talmadge bill for the middle-class quasi-professionals who run the programs as well as for the children they serve. States, as under the Perkins' provision, would be eligible to receive grants from the Secretary to train and educate workers, cooperators, and participants in nutrition out of a maximum of 1% of all child feeding funds, subdivisible by the Secretary for purposes of training or surveys and studies of food service program needs, with an option remaining in the Secretary to devise non-grant means of furnishing nutrition education to children and food service personnel. On top of that 1% there would be an additional 1% aimed at the workers alone that would come to State educational agencies in the form of grants and could be applied to stipended research traineeships, internships, personnel exchange programs, and graduate fellowships, all in the burgeoning field of food service. The training itself would not be furthered as under H.R. 515 which required HEW-USDA cooperation in preparing curricula and training programs for professionals, paraprofessionals, and students. Those who received this training could thereafter be employed by local school districts, with the Federal Government footing half the bill in each school district and the number of personnel employed by each State determined by a Secretary—prescribed apportionment formula focusing on State school population, State personnel needs, and other appropriate factors. The authorization for the employment program is open-ended.

The non-food serving research contingent could secure funds from two distinct sources—that portion of the first 1% not swallowed by nutritional training and education and that portion of the second 1% not reserved for demonstration projects or dissemination of the fruits of research or the other packet of training grants. Little, if anything, is really known about the program, except for the nutritive contents of sampled trays. The cost-effectiveness of satellite kitchens, commissaries, totally pre-prepared meals, and any other technological change is a big cipher awaiting detailed exploration.

Demonstration projects, a term broad enough to drive almost any experimental scheme through, could come about through two 1% reserves. The first batch of projects would involve such innovations as relying on specially fabricated food items or attempting new school feeding delivery systems or providing greater food selectivity to boost participation or using incentive meal pricing and reimbursement rates for good performance in terms of increasing participation. The second batch is labelled "demonstration," but the difference is quite unclear.

Indeed, all of the Talmadge bill provisions relating to training, research and surveys, and special projects are extraordinarily vague and meaningless. Perhaps that is the intrinsic nature of the subject matter, but it would seem that all the diverse authorities might profitably be consolidated and oriented toward some

more specific ends. Otherwise, the Secretary may have to expend as much Federal administrative effort in helping the professionals as in helping the needy.

Finally, the Talmadge bill calls for a 13-member National Advisory Council on Child Nutrition (one each from school administrators, child welfare workers, vocational educators, nutritionists, school food service management experts, State superintendents of schools and schools of directors and local school board members and 5 USDA officials, but no teachers or parents. The Council would conduct its own study of the program (a third study section) and report to the Congress annually with recommendations for administrative and legislative changes.

Recommendation: Replace Talmadge authorities with specific authorizations for research and development grants administered by the Secretary (\$50 million or much less than 1% of Federal program costs) and limited Federal assistance for training personnel with emphasis on providing employment as food service aides on the first rung of a career ladder to unemployed poor persons (\$10 million.) Add on H.R. 515 authority for curriculum development and devising of training programs for paraprofessional school food service employees (the poor) as well as for professionals involved in school food service. Make it clear that research should focus on, among other things, the various possibilities for financing child nutrition programs (all Federal; the present mixture; other alternatives), cost-effectiveness analyses of various food service systems (are vending machines viable?) studies of the relationship between family nutrition and institutional food service (how, for example, does a family's use of its food stamps affect school feeding needs), and the long-range economic and social benefits of a comprehensive child nutrition program (the Bureau of the Budget has completed such a study, but, like all Government agencies with material that would be useful to the American public, they refuse to divulge it to "outsiders"). Finally, specify that demonstration projects should include not only model school feeding programs (utilizing the schools at night for the elderly as well as during the entire day for the young) but also incentives to the private sector that would foster the entry of minority enterprises into school food service and the concomitant development of management experience among and jobs for previously disadvantaged groups. Make certain that parents (particularly impoverished ones) are adequately represented on the Advisory Council as well as community groups.

BREAKFAST—THE STEPCHILD IN THE CORNER

S. 2548 has several noticeable gaps. It totally ignores breakfast, while USDA takes great care to distribute tens of thousands of pamphlets across the country urging the citizenry "To Eat A Good Breakfast to Start A Good Day" and pointing out that those who eat well in the morning will work, study, and play better than those who do not. USDA should be made to peddle less pamphlets and more breakfasts. Serving only 275,315 children in April, which was the peak month, is nothing to be proud of, but, as long as USDA refuses to request any increase in the breakfast authorization, they will have to continue to tighten up on eligibility (the demand is strong) and proselytize working mothers who have to be on the job at 6:00 A.M. to provide fruit, cereal, egg, and beverage to their children before they go, because of lack of meal availability at school.

ELIGIBILITY FOR FREE AND REDUCED PRICE LUNCHES

S. 2548 is totally silent on the vital issue of who should be eligible to receive free or reduced price lunches. This is at the heart of much of the litigation and is the focal point for citizen protests. Way back last October USDA promulgated guidelines directed to the states to control them and their local schools in determining eligibility for discount meals and in assuring the end to any kind of discrimination against children who are unable to pay the full price. Had those guidelines been scrupulously adhered to, all of the states would have, no later than February 1, 1969, assumed responsibility for seeing that every school or institution operating a Federal feeding program developed and placed into effect a written policy for ascertaining who qualified to receive free or reduced price meals and a system for protecting the anonymity of the selected beneficiaries.

By February 1 of 1969, every pupil in a school participating in the Program should have known precisely what his prospects were for obtaining lunch at a discount or for nothing and should have been fully protected from being singled out because he did not and could not pay the full *price* (remember no child pays

the full cost). Little Johnny should have been told that if his family were on welfare, he was eligible for some help in meeting his lunch bill or that if his family's income was less than \$2,000 a year he was entitled to a free lunch. Little Johnny should also have been able to secure his lunch at the same time and on the same serving line in the same lunchroom entered through the same door as little Bill who paid 30¢. And little Johnny should have been given the same meal as little Bill (even if little Johnny didn't want the broccoli) and have handed a ticket or token to the cashier lady that was exactly like the ticket or token Bill gave her. Nor should little Johnny have had to wash the dishes afterward or sweep the floors in return for his lunch while Bill played ball.

That was what should have happened. That is what ought to happen in the 1969-1970 school year. What did happen and is happening we do not know for certain because the Department has passed the monitoring buck on to the states. It is the states that have to handle this hot potato under the guidelines to assure through administrative reviews, on-site evaluations, and any other means "that determinations are being made in accordance with announced policies" and "that over identification of any child receiving free or reduced price meals is avoided". It is the States that were supposed after July 1, to refuse Lunch Program contract renewals to schools that were not complying with the requirements that they publish and adhere to eligibility and non-discrimination policies and procedures.

As one might have expected, both deadlines—the February 1st one for compliance in general and the July 1st one for being bumped from the Program for receiving a failing grade in the guidelines course—have passed without any fanfare and less state action. The States have no staff to do the job (Kentucky has 10 inspectors to oversee 1700 participating schools) and, even if they do, they have to live with the local school boards and principles. It is highly unlikely that they will ever push non-complying schools out and deny lunch to all the children that attend them. And it is even more unlikely that the Department will apply substantial pressure to the states to compel them to exclude schools. The Department itself is confused as to how compulsory they meant the guidelines to be—the language that mixes "shalls" with suggestions is indicative—and is quite definite that whatever Federal enforcement there may be will be very liberally sprinkled with mushy gradualism. Disrespect for law and order infects Federal and State officials as well as people on the street.

Where do we stand on the guidelines? Have the schools complied? Are State school lunch directors effectively overseeing their performance? Does the sun shine at night? Miss Jean Fairfax, founder and prime mover of the Committee on School Lunch Participation, which published *Their Daily Bread* in April, 1968, has undertaken a private, informal survey to ascertain precisely how poorly the guidelines have been implemented, since USDA claims to know nothing (an adequate description of USDA). What she has discovered from private citizens and concerned administrators is discouraging and leaves a lot of room for improvement. Her findings disclose confusion as to the meaning of "reduced price", the usual array of inconsistent eligibility standards, non-uniformity in administration from school to school within school districts, secrecy and lack of disclosure surrounding free lunch policies, cumbersome and embarrassing application procedures, requirements that work precede (or follow) the delivery of a meal, and other highly anticipatory horrors.

A capsule glance should expose the rot in the system that you must help exercise. To begin with, no one really knows what constitutes a reduced price, although this could undermine the entire thrust of feeding the needy if some recalcitrant schools or districts were to decide to read the term narrowly and charge the poor a penny or a nickel less than the well-to-do. The Department has never authoritatively spoken out on this matter, although in November 1967 it announced that, if one or more children in a needy family paid the full fare, while the remaining children paid a reduced price (defined as at least 10¢ below the established or going figure), all the lunches served to that family should be reported as being free or reduced in price. The brilliant logic that went into devising that instruction has never sought to pinpoint the term again, with the result that in some states 10¢ off is the normal dividing line, while, in other places, a 50% cut in price is the test. The reporting methods for compiling statistics on the service of free and reduced price lunches are also distorted as that instruction vis-a-vis the so-called "family rate" indicates. It used to be (and may still be, since the instruction has never been rescinded) that a lunch was deemed "free" if a needy children performed "an essential service" in return for it (in other words, did KP

duty), but not if a non-needy child rendered a similar service. It used to be, and presumably still is, that lunches purchased on weekly or monthly lunch tickets, which cost less than lunches bought on a daily basis on account of some silly conception of reduction in cost predicated upon volume business, were not labeled "reduced." The touchstone of reduction seems to be the nature of the recipient or some standard other than the actual value exchanged. Hopefully, the Talmadge 20-cent maximum definition would halt all that.

While the returns are not all in on the promulgation of eligibility standards, which by itself constitutes only paper compliance, it can be assumed that no school or district would be foolish enough not to flaunt some piece of paper, if only to divert the State's attention from its actual practice. The guidelines merely suggest that each State agency provide their schools and districts with several income scales with geographic variants for use in preparing eligibility criteria, caution the schools not to proliferate finely graduated scales, recommend that eligibility be automatic for children from welfare, food stamps, commodity recipient or otherwise economically assisted families, and warn against rendering the criteria so rigid as to preclude emergency furnishing of meals in the event of temporary financial need (for instance, a death or illness in the family).

Many States, according to Miss Fairfax, have not provided any meaningful guidance. Some only transmitted the Federal guidelines without helpful interpretations. Some apparently sent only a summary of the regulations. Some sent several suggested scales. Others forwarded charts giving the maximum allowable income for eligibility for welfare or food stamps. Some exclude, some include children from welfare families. The result is a patchwork pattern on the State level.

The standards are not merely non-uniform from state to state and from district to district, they also may differ from school to school within a given district. Each of the Program's regulations, including those governing free and reduced price lunches, is directed to individual schools, not multi-school district. Some districts, for example, Albuquerque, have taken advantage of this to give each school's principal leeway in determining whether to implement the district's chart. Other districts have allowed their schools to publish their own charts. Still others have erroneously interpreted "criteria" as encompassing the "discretion" or "judgment" of school principals or the "decision" of an appointed faculty committee not bound by any objective tests (the Kentucky approach), which makes eligibility depend on the accident of what school you happen to attend. How anyone is supposed to be able to ascertain how their income pattern fits such a "criterion" is hard to imagine.

It is difficult enough for parents to figure out where their children stand on the eligibility totem pole when the income-family size scales are publicly announced. It is next to impossible to understand these scales when no information about them is available. Schools (or districts) were commanded by the notices to "publicly announce to the patrons of the attendance units" their eligibility policies by February 1. Many have not. At least three state agencies, presumably fearful that they would be deluged with requests for free lunches, have advised school districts not to publish the income charts.

Announcing uniform, clear, and easy to comprehend criteria does not end the matter. All the charts and newspaper stories in the world do not assure needy children lunches if the process of demonstrating that, according to the charts, the children in your family qualify for free or reduced price lunches involves negotiating a cumbersome labyrinth that would wear out all but the most pertinacious. The Department recommended using simple statements of family income and other relevant information (debt, special expenses) and sought to discourage imposition of long-winded, detailed forms crammed with prying and irrelevant questions. Almost no states listened to the Department and passed the message on to their schools to resort to a simple declaration of need form. The District of Columbia has one, but it undoes the beauty of the form by forcing the applicant parent or guardian to sign a super-latinized ("I hereby authorize any verification deemed necessary to substantiate the information submitted") certification that would frighten away those timid of becoming embroiled with Government investigators.

Perhaps the worst example of so-called "compliance" with the guidelines is the form in Richmond County, Georgia, which reads, in part:

"It is understood that free lunches are granted only in cases of extreme emergency. Parents with T.V. sets, Telephones, Automobiles, etc., should not request free lunches unless dire circumstances have suddenly overtaken them.

(Parents who have as many as three children eating in the lunchroom may have them eat for \$1.00 each rather than \$1.25 by simply filling out the names of their children on this form and no other part of it.)

What church does family attend _____ Telephone _____ Name of Pastor _____

Would you be willing to let your children do a small amount of work, such as picking up paper, as part payment for the lunches they receive?

Are you willing for a committee from the P.T.A. to visit your home to investigate this application for free lunches?"

The procedures to be followed by the local officials who review these applications were intended by the Department to include provision for appeal from individual decisions denying price reduction or a free meal to another person or body. The appeal concept is quite new and generally unused, despite its mandatory quality. In Philadelphia, however, parents of children denied free lunches must be answered in writing (a reasoned decision) and advised of their right to bring a third party along as a spokesman for their situation. The opportunities for making school officials responsive to the needs of poor pupils are unlimited if every school in fact implements a system of appeals, but the odds are that few will and neither USDA nor the States will do anything about it.

Receiving a free or reduced price lunch may benefit a child's nutritional status while undermining his dignity if his school principal wants to make him remember that he is different from everyone else because tax funds are paying for his meal. How a principal excludes anyone in his school from that category is difficult to understand, since everyone receives some degree of tax funds subsidy for food, but an ingenious principal can devise many ways to make sure that everybody can tell the poor are getting something special. It takes a conscientious one to seek to avert that by having his teachers distribute brown envelopes in class to be filled with whatever each pupil can afford (from all to nothing) in return for a week's supply of lunch coupons.

The normal gimmick employed to distinguish the freebies from the cash customers is to make, by indication or by direction, some form of manual labor the pre-condition to receipt of a free meal. The guidelines unequivocally state that work shall not be required, but schools avoid this by strongly suggesting that the child perform some job on a moral payment basis or by putting the burden of proof for not accepting a proffered job upon the student who wishes a free lunch or by never informing children that they don't have to work anymore to get fed. Poor Tommy Tucker may have had to sing for his supper, but needy Tom Jones ought not to have to. The reason? The guidelines, if they were enforced.

Recommendation: The exit from this unbelievable mess, aggravated by USDA's unconscionable and, indeed, illegal hands-off approach to overseeing the regulations it promulgated, is so obvious that it is astonishing that Senator Javits is the only legislator to whom it seems to have occurred. In Section 323(a)(1) of S. 2789, a bill he introduced on August 6, entitled the "Health, Nutrition, and Human Needs Act," and seems to have already forsaken in some significant respects, he required USDA's Secretary in consultation with HEW's Secretary to establish eligibility standards for qualification for free or reduced price meals provided under any Federal program. While the concept of Federally-devised standards is essential, it seems equally important to specify to content of those standards rather than giving the Secretaries free rein. Since the Senate has only recently expressed its will that, in connection with the Food Stamp Program, uniform nationwide eligibility be fixed at a minimum of \$4,000 per year for a family of 4 to be revised annually to reflect cost of living changes, it would be highly appropriate to adopt the identical standards for Federal meal eligibility. No other solution will avoid the regulatory dilemma USDA confronts today, making rules one minute and smiling passively while they are being smashed the next. Clarity and simplicity for both recipients and administrators are most desirable program traits.

SCHOOLS OR DISTRICTS—WHO IS RESPONSIBLE FOR THE PROGRAM?

There is no indication in S. 2548 that Talmadge intends to make certain that the lunch and other child feeding programs are school district-administered rather than run by every school in its own idiosyncratic fashion. The former approach (which does not obtain now) would result in 20,000 or 100,000 possible responsible governing bodies, simplify state controls, terminate the practice of allowing each school to keep its own books and operate on a financially in-

dependent basis (so as to permit a school in the black, with all its children fed, to neglect its next-door neighbor with a deficit and unfed needy pupils), facilitate economies of purchasing scale, and generally enhance the impact of good personnel. As the National School Lunch Act now reads, States disburse monies to schools pursuant to agreements with them, and a school is "any public or nonprofit private school of high school or grade or under . . ." The Acts's regulations, however, refer not to schools themselves, but to "the governing body responsible" for their administration, which may mean an individual attendance unit (what we consider to be "school" in everyday language) or may mean an entire school district governing hundreds of individual schools.

Recommendation: To avoid the State and local option to permit schools to be the contracting bodies rather than school districts, the term "local educational agency," a term of art contained in every significant piece of Federal education legislation which is roughly synonymous with "school district," should replace the term "school" throughout the Act wherever that makes sense.

THE STATE PLAN

Under the child feeding acts presently in effect, which provide authority for administering cash to States in the form of at least six separate grants (general cash, special cash, equipment assistance, breakfast, nonschool food service, and special milk), each State automatically gets six pots of money on a formula basis to distribute among its schools at its discretion with limited controls and almost no accountability. Under the present Federal aid to education laws, however, States normally secure funds only after they have submitted and had approved by the Federal agency in charge formal State plans setting forth how the monies are to be used throughout the State to further the purposes of the particular act from which they flow.

Recommendation: Submission of a detailed State plan concept in a meaningful form, not merely diluted, as now, to a simple State agreement to comply with the applicable regulations, See Appendix F attached to this statement, should be made a prerequisite to receipt of any Federal child feeding funds. That Plan, referred to only tangentially in the Talmadge bill in connection with the pourover provision, should contain as a minimum (1) a detailed description of the manner in which, during the course of the next few years with an ultimate deadline of the start of school year 1972-1973, the applicant State proposes to universalize food service programs in every school in the State and to every child in those schools that would like to take advantage of them, including a justification of the manner in which the State intends to deploy its equipment assistance funds; (2) exposition of a scheme for utilizing all child feeding funds allotted to the State (relying, in part, on the pourover authority) to assure that, as of the start of the school year 1970-1971, all of the 8.4 million needy schoolchildren in this country have access to some form of school lunch at a free reduced price; and (3) installation of a reporting system that will require each local educational agency to submit a monthly report to the State comparing the number of poor children in the District (under ESEA standards) with the number of eligible children receiving free or reduced price lunches.

H.R. 11651

The need for H.R. 11651 is unquestionable. What I am certain troubles you, although it only seriously concerned five of your House colleagues, while winning the approval of 352, is the method of financing food for the poor that it embodies.

H.R. 11651, if it should become law, would make a substantial dent in the unobligated balance of Section 32 funds carried over from fiscal 1970 to fiscal 1971. That carryover has fallen below the statutory maximum \$300 million mark only once in the past ten years (\$298.8 million in fiscal 1966), but the House in passing its version of the 1970 Agricultural Appropriations Act has already lowered the carryover to \$180 million, although the Senate has maneuvered to maintain it at \$300 million. Even at a possible all-time low of \$80 million (assuming the House appropriations bill is the one that emerges from conference), there would still be more than enough money available to help bail out any threatened commodity surpluses. To begin with, no surplus crises are on the horizon. The one commodity which has exhausted substantial Section 32 funds in recent years—livestock products—which required \$176 million of Section 32 funds in fiscal 1965 and \$119.7 million in fiscal 1967, is faced with a supply crisis rather

than a surplus. Meat prices are soaring, not diminishing, and it is doubtful that the Government would add its substantial buying power to such a tight market and thereby boost the steep prices that consumers are already paying to obtain meat. Still, with USDA, anything is possible.

The \$80 million in Section 32 that would be left to confront any commodity surplus during the next 11 months does not stand alone. Behind it, there is a backup authorization of \$500 million. Section 205 of the Agriculture Act of 1956 authorized appropriation of that sum on a permanent basis to help the Secretary fulfill the purposes of Section 32, should the need arise. In fiscal 1970, at the outset, in Section 32 and related funds, \$1,465 billion was available (\$665 million in customs receipts, \$300 in carryover, \$500 in standby capacity). Some \$885 million of this sum would now be used to feed people and consequently to help processors and canners, instead of merely \$665 million. Emphasize processors and canners rather than growers, because it is the middle man from whom USDA buys and not the struggling farmers. The funds from Government purchases of surpluses line the pockets of peach canners and Armour and Swift, not the man in the orchard or raising cattle, who benefits from Section 32 only on a trickle down basis.

Actually, H.R. 11651 constitutes an attempt to counter the effect of President Nixon's budgetary jiggling in March, which resulted, in a shift of substantially the same amount of money (\$50 million) out of specific child feeding programs into the more amorphous special Section 32 programs in order to achieve greater flexibility, but also to moot H.R. 11651's predecessor, H.R. 516 by essentially appropriating \$89 of the \$100 million sought in H.R. 516, as it then was written, without in any way increasing the total of funds for feeding needy children. Representative Perkins reacted by changing his bill with the addition of the simple phrase "notwithstanding any other provision of law," so that his \$100 million became an add-on to the Nixon \$89 million rather than merely the whole of which the Nixon money was a substantial part. The Perkins' bill either had to remain meaningless by virtue of budgetary reallocations or else be revived in full force by dipping into the Section 32 carryover reserve. Perkins chose the latter course.

The impact on the poor children of America will be as substantial as the impact on Section 32. Only \$153 million in cash out of the fiscal 1970 budget is currently expected to be expended to supply free and reduced priced meals to needy children, that is, the \$133 million previously identified for lunch plus \$10 million for breakfast and \$10 million for nonschool food service. The \$100 million additional contemplated under the Perkins bill would increase this by 65%.

The Perkins bill, unlike the special Section 32 funds, which were created in appropriation legislation that did not specifically direct that they be used solely to feed needy children (although the legislative history of the special Section 32 provision clearly points in that direction and USDA is administering the funds in that manner), contains a specific apportionment formula based on the relative number of 3 to 17 year olds from poor families in each State and specific statutory language directing the funds to the needy.

Recommendation: Approve H.R. 11651. Don't force other Senators to have to tack the essence of H.R. 11651 onto another bill on the floor as Senator Javits tried to do with some success last year. 352 Congressmen can't be wrong. And 54 Senators have only recently made it quite clear that this Committee does not have the last word if feeding the poor is at stake.

SUMMARY

The national school lunch market is potentially \$5,200,000,000 in scope exclusive of equipment and capital costs (52 million children at approximately \$100 a year—180 days times 58 cents a day less absenteeism). At least \$3.2 billion of that market is presently untapped. The benefits to all Americans that would flow from opening up that potential are immeasurable. Improvement in the physical and mental health of poor children and, indeed, of all children as well as in the financial health of food suppliers and producers and food service personnel would be guaranteed. Employment and profits—those twin American idols—could not avoid increases. You have the chance, with the Talmadge bill and the Perkins bill, to start the school lunch gold rush of 1969 and do for the impoverished innocents what you began 23 years ago for their better-off brothers and sisters. What is sauce for the goose should be sauce for the gander. And 32 million children would like sauce on something.

Thank you for sitting still so long.

ADDENDUM ON STATE MATCHING

Much has been made during the course of the first two days of hearings of the supposedly stringent matching requirements contained in S. 2548 on two grounds—first, the overall increase in the Federal share and decrease in the “from sources within the State” share and second, the imposition of a requirement of State matching that means what it says, i.e. is from the State, not little children. USDA, as usual, was hopelessly unprepared to help you handle the issue. There is no better example of Executive incompetence than sending up a man with three weeks’ inexperience in school lunch affairs, apparently unbriefed, to handle an intricate matter.

The two concerns you have raised should have been quickly disposed with. The proposal in Section 4(a) of S. 2548 to change “\$3” to “\$1” and thus increase the Federal share of Section 4 general cash assistance to the States for school lunch from 25% to 50% would have no statutory impact at all upon Federal expenditures, which would remain at \$168 million unless USDA sought an increase on its own, and would not result in any diminution of the so-called “State” contribution, which, for all school lunch assistance, including Section 4 as an unallocated part, totalled \$1.55 billion in fiscal 1969. No State is going to divert children’s payments to its treasury and away from the lunch program with the result that middle-class children are cut off from lunch. Social reality dictates otherwise. On the other hand, if you are seriously troubled by this possibility, the way to handle it is to retain the 25% Federal level and change the State revenues per centum of the 75% matching requirement contained in Section 4(a) of S. 2548 as follows, with the overall State revenue portion of Section 4 expenditures noted in parentheses:

	Percent in S. 2548 based on 50 percent matching	New percent based on 75 percent matching
Fiscal years:		
1972-73	10 (5)	7 (5.25)
1974-76	20 (10)	14 (10.5)
1977-79	30 (15)	20 (15)
1980-82	40 (20)	27 (20.25)
1983 et seq.	50 (25)	33 (24.75)

The second problem—the high level of State effort that allegedly might cause some states to drop out of the program entirely—is a juicy red herring. As the accompanying table shows, the new State revenue matching would apply only to Section 4 and would be so relatively insubstantial over the course of the next few years as to prompt no State to alienate its poor and middle-class voters by cutting off the flood of Federal child feeding aid under other parts of the program, none of which have any matching requirement directed at State revenues rather than children’s nickels and dimes. Matching would not begin for almost two years, which is overly substantial lead time for the slight effort that will be required and could be met in fiscal 1972 with 1% of the revenue-sharing funds proposed for return to the States that year.

MATCHING REQUIREMENTS FOR
CHILD FEEDING PROGRAMS

(Fiscal year assumed appropriations or authorization levels
are shown in parentheses in millions.)

PROGRAM	FEDERAL SHARE	STATE SHARE			Children's Payments
		State Revenues	Local Revenues	Contributions	
a) General Cash Assistance - Section 4					
FY 1970		-----75%-(FY 1969 overall figures in parentheses)---			
Present	25% (\$164)	-----(\$180)-----		\$320	(\$1049)
Talmadge	25% (\$164)	-----75%-----			
Perkins	25% (\$164)	-----75%-----			
FY 1971					
Present	25% (\$164)	-----75%-----			
Talmadge	25% (\$164)	-----75%-----			
Perkins	25% (\$164)	3% (\$19.7)	-----72%-----		
FY 1972					
Present	25% (\$164)	-----75%-----			
Talmadge	50% (\$164)	5% (\$32.8)	-----45%-----		
Perkins	25% (\$164)	3% (\$19.7)	-----72%-----		
FY 73					
Present	25% (\$164)	-----75%-----			
Talmadge	50% (\$164)	5% (\$32.8)	-----45%-----		
Perkins	25% (\$164)	4.5% (\$29.5)	-----70.5%-----		
FY 1974					
Present	25% (\$164)	-----75%-----			
Talmadge	50% (\$164)	10% (\$65.6)	-----40%-----		
Perkins	25% (\$164)	4.5% (\$29.5)	-----70.5%-----		
FY 1975-1976					
Present	25% (\$164)	-----75%-----			
Talmadge	50% (\$164)	10% (\$65.6)	-----40%-----		
Perkins	25% (\$164)	6% (\$39.4)	-----69%-----		
FY 1977-1979					
Present	25% (\$164)	-----75%-----			
Talmadge	50% (\$164)	15% (\$98.4)	-----35%-----		
Perkins	25% (\$164)	7.5% (\$49.2)	-----67.5%-----		
FY 1980-1982					
Present	25% (\$164)	-----75%-----			
Talmadge	50% (\$164)	20% (\$131.2)	-----30%-----		
Perkins	25% (\$164)	7.5% (\$49.2)	-----67.5%-----		
FY 1983 et seq					
Present	25% (\$164)	-----75%-----			
Talmadge	50% (\$164)	25% (\$164)	-----25%-----		
Perkins	25% (\$164)	7.5% (\$49.2)	-----67.5%-----		

MATCHING REQUIREMENTS FOR
CHILD FEEDING PROGRAMS

(Fiscal year assumed appropriations or authorization levels
are shown in parentheses in millions.)

PROGRAM	FEDERAL SHARE	STATE SHARE			Children's Payments
		<u>State Revenues</u>	<u>Local Revenues</u>	<u>Contributions</u>	
b) Nonprofit Private Schools General Cash Assistance - Section 10					
FY 1970-1971					
Present	25% (\$4)	0%	0%	-----75%	-----
Talmadge	25% (\$4)	0%	0%	-----75%	-----
Perkins	25% (\$4)	0%	0%	-----75%	-----
FY 1972 et seq					
Present	25% (\$4)	0%	0%	-----75%	-----
Talmadge	50% (\$4)	0%	0%	-----50%	-----
Perkins	25% (\$4)	0%	0%	-----75%	-----

F E D E R A L S H A R E

c) Special
Cash Assis-
tance
- Section 11

FY 1970	
Present	100% (\$44.8)
Talmadge	100% (\$200)
Perkins	100% (\$44.8)
FY 1971	
Present	100% (\$138.7) - based on USDA 1969 5-year budget planning
Talmadge	100% (\$250)
Perkins	100% (\$138.7)
FY 1972	
Present	100% (\$138.7)
Talmadge	100% (\$300)
Perkins	100% (\$138.7)

For fiscal years 1973 and 1974 USDA proposes \$138.7 million.

MATCHING REQUIREMENTS FOR
CHILD FEEDING PROGRAMS

(Fiscal year assumed appropriations or authorization levels
are shown in parentheses in millions.)

PROGRAM	FEDERAL SHARE
d) Special Section 32 Cash Assistance	
FY 1970	
Present	100% (\$69 or \$89)
Talmadge	100% (\$69 or \$89)
Perkins	100% (\$169 or \$189)
e) Section 6 Commodities	
FY 1970	
Present	100% (\$64.3)
Talmadge	100% (\$57.4) - less 1% of all non-commodity programs and 3½% of nonschool food service, breakfast, and equipment funds
Perkins	100% (\$59.4) - less 1% of all non-commodity programs
	For fiscal years 1971-1974 USDA proposes \$69.4 million.
f) Section 32 Commodities	
FY 1970	
ALL THREE	100% (\$90.4) - For fiscal years 1971-1974 USDA proposes \$97.6 million.
g) Section 416 Commodities	
FY 1970	
ALL THREE	100% (\$146.8) For fiscal years 1971-1974 USDA proposes \$166.2 million.
h) Federal Administrative Expenses - Section 6	
FY 1970	
Present	100% (\$3.85)
Talmadge	100% (\$5.88) - plus 3½% of nonschool food service, breakfast, & equipment funds
Perkins	100% (\$3.85) For fiscal years 1971-1974 USDA proposes \$3.1 million.

MATCHING REQUIREMENTS FOR
CHILD FEEDING PROGRAMS

(Fiscal year assumed appropriations or authorization levels
are shown in parentheses in millions.)

PROGRAM	FEDERAL SHARE
i) Nonschool Food Service - Section 13	
FY 1970	
ALL THREE	Up to 80% of operating costs, 75% of equipment costs (\$10) No proposal for fiscal years 1972-1974 because legislation expires.
j) Breakfast- Section 4 of Child Nutrition Act	
FY 1970	
ALL THREE	Up to 80% of operating costs (\$10) For fiscal years 1971-1974 USDA proposes \$10 million.
k) Equipment Assistance - Section 5 of Child Nutri- tion Act	
FY 1970	
Present	Up to 75% (\$10)
Talmadge	Up to 75% (\$38)
Perkins	Up to 75% (\$10)
FY 1971	
Present	Up to 75% (\$10)
Talmadge	Up to 75% (\$33)
Perkins	Up to 75% (\$10)
FY 1972	
Present	Up to 75% (\$10)
Talmadge	Up to 75% (\$15)
Perkins	Up to 75% (\$10) For fiscal years 1973 and 1974 USDA proposes \$10 million.

LIST OF ATTACHMENTS TO TESTIMONY

- A. Let Us Now Celebrate Semi-National School Lunch Week (Council Release)
- B. Comparison of School Lunch Proposals (Council Table)
- C. The San Clemente Feeding Scene: The President's Fiesta and the Poor People's Famine (Council Release)
- D. School Lunch Program Bill of Rights (NWRO)
- E. On Limiting the Fat Content of Cooked Sausage (Council Statement)
- F. Present State School Lunch Agreement

(The above attachments are on file with the committee.)

The CHAIRMAN. Any questions?

(No response.)

The CHAIRMAN. Thank you.

Mr. Galazan.

STATEMENT OF MICHAEL M. GALAZAN, CHAIRMAN, LEGISLATIVE COMMITTEE, NATIONAL ASSOCIATION OF SHELTERED WORKSHOPS AND HOMEBOUND PROGRAMS, AND EXECUTIVE DIRECTOR, JEWISH VOCATIONAL SERVICE, MILWAUKEE, WIS.

Mr. GALAZAN. Mr. Chairman, my name is Michael M. Galazan. I am the executive director of the Jewish Vocational Service of Milwaukee, Wis., and the chairman of the legislative committee of the National Association of Sheltered Workshops and Homebound Program.

I am not going to read my prepared material, Mr. Chairman, but will try to take a few minutes of your time and very much appreciate the opportunity to be heard on what to me is a very critical problem.

The CHAIRMAN. I notice you have only five pages. You might as well read it. It usually takes longer to explain it. Go ahead and read it.

Mr. GALAZAN. Thank you. I will do so.

The National Association of Sheltered Workshops and Homebound programs is a private, nonprofit organization which was incorporated in the State of New York in 1954. It was established by persons operating workshops throughout the United States and by individuals professionally concerned with the well being of severely disabled people. The association has traditionally been concerned with broadening the concept of rehabilitation and with meeting the work-related needs of disabled persons. The major functions of the National Association of Sheltered Workshops and Homebound programs are:

1. Developing and promoting higher agency professional standards.
2. Serving as a liaison between workshops and Government agencies.
3. Fostering public and professional understanding of workshops.
4. Stimulating professional development in the workshop field.
5. Promoting statewide organizations of sheltered workshops.
6. Encouraging community support.
7. Sponsoring and conducting workshop personnel training.
8. Offering consultative services to workshops.
9. Publishing suitable literature.
10. Conducting research.

The membership of the National Association of Sheltered Workshops and Homebound programs is organizational in nature. While individual membership is a part of the membership structure, the

strength lies in the organizational membership which includes over 600 of the country's largest and best organized sheltered workshops.

The association is interested in all phases of the rehabilitation process with particular emphasis on broadening the vocational opportunities of the handicapped. With a current membership of over 600 workshop members throughout the National Association of Sheltered Workshops and Homebound Programs, Inc., represents the largest single organization of sheltered workshops in the United States. The membership composition includes agencies that serve single disability as well as multiple disability shops which provide job training, employment, work evaluation, rehabilitation, and professional services to disabled persons.

Mr. Chairman, the National Association of Sheltered Workshops and Homebound Programs strongly supports bill H.R. 515. Our comments will be general, although we would like to make a very critical recommendation which we believe would further strengthen it. For the purpose of the record and general understanding, I would like to describe the workshop program and some of the problems they face.

Workshops provide services to people who are too disabled to work in the competitive labor market. In general, they provide services to disabled persons whose work skills have never been developed or who have lost their skills through disuse or as a result of a physical or mental disability. The services provided in a workshop may include the following: Work evaluation, training, medical/psychological evaluation as related to specific job opportunities, social services, development of work tolerance and work conditioning, employment, personal adjustment and placement.

In addition to the rehabilitative services offered in the workshop, an increasing number of workshops are providing long-term employment to an increasing number of individuals who, because of the severity of their disability, have virtually no hope of ever becoming a part of the regular labor force.

At the present time, there are over 1,500 workshops in the country, serving over 56,000 handicapped people. These workshops vary in size from those serving 10 individuals to a number who serve over 600 per day. The average workshop serves approximately 60 individuals. The types of handicapped served in these workshops are the blind, the mentally retarded, the cerebral palsied, the mentally ill, the brain-damaged, the epileptic, the aged and the culturally deprived. A great majority of handicapped clients served in these programs are from the poverty population. Most of these individuals suffer from all types of deprivation and because of their physical or mental handicaps find it extremely difficult to ameliorate their situations. Many of the mentally handicapped young people come from families where the parents are also mentally handicapped, and the care they receive is affected by these conditions.

As a representative of the National Association of Sheltered Workshops and Homebound programs, I should like to recommend to the Committee on Agriculture that the bills which are being considered which are of such importance to the school child, adolescent and young adult from the poverty population, include the handicapped students of our sheltered workshop vocational and education programs, so that they, too, may have available to them vitally needed nutritional

benefits which this bill includes. Most of these handicapped people have already suffered from nutritional deficiencies which have increased their handicapping conditions.

The CHAIRMAN. Off the record.

(Discussion off the record.)

The CHAIRMAN. How are you financed?

Mr. GALAZAN. We are supported by funding from Federal funds through the Social Rehabilitation Administration. We also get funding from the State funds, from the Division of Vocational Rehabilitation of the State agencies. We also get funds from associations for retarded children, CV children, from various groups that raise moneys independently, we get funds from United Funds, from Catholic and Jewish fund raising organizations, so we have a variety of sources of funding in all of our agencies for the purposes of providing the training which we provide to these individuals.

The CHAIRMAN. Do you make anything, do the inmates make anything you sell?

Mr. GALAZAN. Yes, the clients in our programs—we use work as a method of training. The handicapped in our programs do produce work for which they are paid under regulation of the Labor Department on wages and hours, so we pay our handicapped young people who are in our program wages which relate to what they produce. This is a method, for instance, for many of our aged, for our poverty groups, to have additional income in order to be able to support themselves. During the period that they are training and then usually what we try to do is place them in industrial jobs in which they will become self-supporting.

The CHAIRMAN. Are all of the people that you try to train, do they live on the premises or do they—

Mr. GALAZAN. No, almost all of the people, in fact, at our facility and most of the facilities live in their own homes. They come to the facility for the day and then they go back to their own homes in the evening. They do not live on the grounds. Many of our facilities have—in fact, almost all of our facilities have cafeterias and other things. Some of our facilities do not have such and the people have to bring their own lunches in the usual brown bags and so forth. Many of our people come to these facilities with inadequate food, do not get adequate feeding resources within the facility. What we are very much concerned about is that many of the young people, as I tried to present in the material, are really discontinued from the school system because they cannot benefit further in academic education. This would include some of the emotionally disturbed, some of the mentally retarded—some States will keep these people in programs up to the age of 25 now. Some States will actually discontinue the education of these children at the age of 14. These kinds of individuals are in our workshops and we have no resources at this point, because the funds that come to us at this point can't be used for feeding. That is, if the Division of Vocational Rehabilitation gives us money, it is for equipment, for training them, it is for materials to use for training.

We have at this moment no resources that are made available to us directly and we are not eligible at this time under the school lunch program. Yet we are serving a very substantial and probably the

most critically needed group that would be both eligible with whom we would be very concerned about providing nutritional material.

Senator YOUNG. Are you eligible for surplus commodities?

Mr. GALAZAN. We are eligible for surplus commodities, yes. We use some of the surplus commodity programs for the purposes of, shall we say, distributing. But we have no funding for establishing of a feeding facility and for providing a broad nutritional program for our people that would be possible under the school lunch program. It is not possible under our current structure.

The CHAIRMAN. How many people are involved in this?

Mr. GALAZAN. There are 56,000 people at this point that are being served in these kinds of facilities throughout the country.

The CHAIRMAN. Do you know whether or not their parents are supplied, as he says, with food stamps or other programs?

Mr. GALAZAN. Again, we deal with a type of population, if you can understand the severely handicapped youngsters, where sometimes you take a severely handicapped CP child, for example, a cerebral palsied child, who is very difficult to feed. He has a horrible problem of actually feeding because of this continuous movement as he tries to eat. Many parents are very limited in their capacity and in their patience, because they have gone through a lifelong kind of thing. We think the best way of assuring adequate food is to give the opportunity to feed some of these young people right in our own facilities, because this would make it possible for us to train aids and to do the kind of work that is vitally needed to assure these individuals adequate nutritional food.

These people, as I say, all studies show that a high majority, a high number of retarded come from the poverty population. That is, the actual number of retarded in the population is estimated at 3 percent. But in the poverty population, it is estimated at about 5 or 6 times that number. That means this is where the concentration of many of the severely handicapped is due to deprivation, inadequate diet on the part of the mother, all the things that probably other committees have studied and pointed out in this issue.

This is a key area. It is sort of like, if you are trying to reach a target group, this is really a target group, where we get the most seriously deprived individuals of the total population, who are, as I say, sometimes just discontented from the schools because the schools can no longer give them anything in terms of the academic. They move them into these types of programs, because these vocational programs are much more meaningful in terms of preparing them for moving out into the community. The academic no longer offers them an opportunity for that.

Senator YOUNG. I would say that the people in your workshops are more needy than a lot of other people we are taking care of.

The CHAIRMAN. Let me ask you this. You say you can obtain food under the surplus distribution program now being carried out by the Department of Agriculture. Why could you not use some of the funds that you collect to supplement that, make it available to the workers?

Mr. GALAZAN. We are faced at this moment, and this is the thing that we are saying, we are faced with the problem of using our funds—the primary emphasis or the big emphasis of our program is to train, and we are faced with limited resources, to train our people, to move

them out to industry. We could use, Mr. Chairman, say we will use some of these funds for the purposes of feeding. But I think you are aware of the fact of the pressure of using resources over a broad program as we have. All we are asking the committee is that we be given the same consideration for this target population that the schools are now being given for a more highly generalized population. We support that, but we want these young people, who are the critical population, who are really almost a select population, the sufferers of the group, to benefit the same as the poor children in the public schools. There is no reason why, if the child or the individual is discharged from the school because he cannot learn, he should then lose all the benefits of nutrition and everything else.

The CHAIRMAN. Well, what percentage of your budget do you obtain from the Federal Government now?

Mr. GALAZAN. At this moment, our current Federal funding directly in our programs is less than 5 percent. Most of our funding comes in training programs and vocational education from the States. Of course, the States do get Federal funding, so this becomes another factor that I cannot answer really. But it is all for training, Mr. Chairman. That is, vocational education and training. We cannot use any of those funds for feeding. This is not allowed under our restrictions in terms of using the funds.

The CHAIRMAN. You say you get 5 percent direct from the Federal Government?

Mr. GALAZAN. Right.

The CHAIRMAN. And how much from the States?

Mr. GALAZAN. This is primarily for demonstration. In the States, most of the agencies range anywhere from 20 percent from the States to 40 percent; anywhere in that area. About 50 percent of our income comes from local sources; anywhere from 30 to 50 percent of our income, from local sources, citizens groups and so forth, that support a program of training and feeding and doing various things that we do. We are just not, as this moment, doing an adequate job of feeding the children.

The CHAIRMAN. What is the average age of the people who work there?

Mr. GALAZAN. They range anywhere from 14 to 90. We just had somebody in our workshop who celebrated his 94th birthday. We give work to the aged as well. We do not limit the age level of our people.

The CHAIRMAN. They produce for you; do they not?

Mr. GALAZAN. They produce, yes. And they get paid for what they produce. But you know working with a 90-year-old, we have to have all kinds of facilities, medical and other, so they get exactly what they produce, but we must pay for the costs of medical and other services that we give these people. When they produce on work that they get, we pay them the complete amount that the industrial shop gives us for paying out to do the work.

The CHAIRMAN. To what extent do you think you could get the States in which these facilities are constructed to contribute so as to match the funds under the law?

Mr. GALAZAN. I think if the law, if we could get inclusion under the school lunch act, I think that because of our target population, we would have no difficulty getting the States, because the States are now

contributing 20 percent or 25 percent in many instances of our training program. So that for feeding these people so they can really work—one of our problems is that many of them do not get adequate food. It is a worker who works at half level and is trained at half effective level when we cannot provide adequate food resources.

The CHAIRMAN. How long does the average party who comes there remain there?

Mr. GALAZAN. You mean for how long a period or for how long during the day?

The CHAIRMAN. Both.

Mr. GALAZAN. They work daily from about 7:30 in the morning until 4 o'clock in the afternoon, or 4:30, the regular workday. Some people may remain with us for 6 or 8 months, some of them for 4, or 5, or 6 years. It depends upon the severity of the difficulty. We have taken very severe and extremely handicapped retarded people that we train for industry, who came to us at 14 or 15 and are now working in industry at the age of 19. In actuality, we are a kind of, we have been developed as an additional resource to the public schools to work in the vocational field with the severely handicapped. This has really been our specialized function and we have never been considered—we are considered in legislation for vocational education, but we have not been considered in the legislation for school lunch programs. This is where we are asking special consideration.

There is within the law already descriptions of our programs. We have special legislation for our particular workshops under the labor legislation, under vocational rehabilitation functions, but we have never had it in the agricultural area. We are asking for consideration in that area.

The CHAIRMAN. Very well.

The committee will consider your request.

Mr. GALAZAN. Thank you very much.

The CHAIRMAN. Is there anybody else to be heard?

(No response.)

The CHAIRMAN. All witnesses who have asked to be heard having been heard the committee will adjourn subject to the Chair's order.

The record will be left open for 10 days in order to put in any supplemental evidence that needs to be put in.

(Whereupon, at 12:05 p.m. the committee adjourned subject to the call of the Chair.)

(Additional statements filed for the record are as follows:)

WASHINGTON, D.C., October 10, 1969.

HON. ALLEN J. ELLENDER,
Senate Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: I welcome the opportunity to present views of the National Milk Producers Federation on legislative proposals relating to the National School Lunch Program, including H.R. 515, H.R. 11651, S. 2595 and S. 2548.

The Federation is a national farm commodity organization, established in 1916. It represents dairy co-operatives and their dairy farmer members throughout the United States. The co-operatives affiliated with the Federation do business in all 50 states of the Nation.

As a long-time supporter of the National School Lunch Program, the Federation believes that its appropriate modification and expansion will significantly benefit the diets and health of our school children.

MERITS OF NATIONAL SCHOOL LUNCH PROGRAM

Highly successful, this program has proven extremely beneficial:

For improving nutrition for millions of children; and

For providing an excellent outlet for food purchased by the Commodity Credit Corporation under the price support program.

During the 1968-69 school year, more than 20 million children participated in the program.

PROPOSED LEGISLATION

Briefly I would like to evaluate major features of each bill.

S. 2595. Sponsored by Senator Gaylord Nelson, this bill would amend Section 416 of the Agricultural Act of 1949, as amended. The bill would provide that dairy products acquired by the Commodity Credit Corporation through Price Support operations be given priority for use in non-profit School Lunch Programs. As well, it would give similar priority for use of dairy products in other non-profit child feeding programs, assistance to needy persons, and in charitable institutions, including hospitals, to the extent that needy persons are served.

In testifying on this bill earlier in the hearings, the U.S. Department of Agriculture indicated that it favored enactment of S. 2595 with some minor changes.

In reporting favorably on an identical bill, H.R. 12588 in the House of Representatives, Under-Secretary of Agriculture, J. Phil Campbell stated: "Dairy products have played a very important role in the School Lunch, needy persons, and other food assistance programs for many years. Such products can contribute greatly toward the objective of eliminating hunger and malnutrition of the Nation's poor."

The Federation is gratified by the Department's favorable evaluation of provisions of S. 2595. We support its enactment. We urge that such provisions be incorporated in legislation reported out by this Committee relating to the School Lunch Program.

H.R. 11651. Sponsored by Congressman Carl D. Perkins, this House-passed measure would amend the National School Lunch Act, as amended. The purpose would be to provide free or reduced price meals for needy children in schools, day care facilities and other organized activities not benefiting from Federal food programs. The bill would authorize the Secretary of Agriculture to use up to \$100 million of Section 32 funds to improve the nutrition of such needy children. This would be in addition to funds of food services authorized in the National School Lunch and other child nutrition programs.

As revealed in the Hearings by the Senate Committee on Nutrition and Human Needs, there is real evidence that under-nutrition exists at all economic levels. According to estimates, only about one-half of the more than 6 million needy children in this country are now being reached by the food service programs.

If H.R. 11651 were to be enacted, however, it is our judgment that money should be provided by direct appropriations rather than utilization of Section 32 funds. The purpose of Section 32 authority is to support farm income, rather than be utilized for expansion of programs to meet special needs of low income groups.

Our Nation can—and should—do whatever is necessary to meet the needs of hungry children in this country. Whether or not the School Lunch—or other—program should be amended to meet this need, however, is a matter for judgment for the Congress.

S. 2548. Sponsored by Senator Herman E. Talmadge, this bill would amend the National School Lunch Act and the Child Nutrition Act of 1966 to:

1. Reduce the Federal-state matching formula from \$3 (state) to \$1, to \$1 to \$1.
2. Require that state revenues represent a percentage of local matching requirements (beginning at 10% and rising to 50%).
3. Authorize nutritional training and education, and studies of food service requirements.
4. Increase appropriation authorizations for new or replacement facilities.
5. Prohibit overt identification of children receiving free or reduced cost meals.
6. Authorize appropriations one year in advance of the fiscal year in which they will become available and make them remain available until expended.
7. Establish a National Advisory Council on child nutrition; and make other moderate changes.

H.R. 515. Sponsored by Congressman Carl D. Perkins, this bill would amend the National School Lunch Act and the Child Nutrition Act of 1966 to:

1. Require that state tax revenues contribute to the state matching requirement.

2. Authorize nutritional training and education; and studies of food service requirements.

3. Prohibit overt identification of children receiving free or reduced price meals.

4. Authorize appropriations one year in advance of the fiscal year in which they will become available.

5. Require the Secretaries of Agriculture and Health, Education and Welfare to cooperate in developing nutritional education materials and evaluating child food programs; and make other moderate changes.

Since S. 2548 and H.R. 515 are similar in some of their components, the Congress will need to work its will in evaluating such proposed modifications to the School Lunch Program.

In our judgment, features that merit support include the following:

Authorization of appropriations one year in advance of the fiscal year in which they will become available. This will enable schools to plan more effectively for carrying out the programs;

Authorization for studies to insure that good nutritional diets are being served in the lunch system;

Improvement of nutritional education programs;

Adequate funds for replacement of existing—or installation of new—equipment and facilities to provide for expansion of the School Lunch Program to benefit a maximum number of school children of the Nation.

UTILIZATION OF DAIRY PRODUCTS

With expansion of the National School Lunch and Child Nutrition Programs, authority under Section 709 of the Food and Agriculture Act of 1965 needs to be administered effectively.

The law provides as follows:

"The Secretary of Agriculture is hereby authorized to use funds of the Commodity Credit Corporation to purchase sufficient supplies of dairy products at market prices to meet the requirements of any programs for the schools (other than fluid milk in the case of schools), domestic relief distribution, community action, foreign distribution, and such other programs as are authorized by law, when there are insufficient stocks of dairy products in the hands of Commodity Credit Corporation available for these purposes".

SUMMARY

Mr. Chairman: The National School Lunch Program continues to be a highly important mechanism for:

1. Improving nutritional levels of our school children.

2. Providing effective utilization of food purchased under the Price Support Program.

Moreover, the program offers real potential for reaching out to more of the millions of school children not yet benefiting from school lunches.

Recognizing that under-nutrition exists at all economic levels, we would support appropriate modification of the program to bring nutritionally balanced lunches—in which we believe milk and dairy foods are essential items—to more of the school children of this country.

Respectfully yours,

PATRICK B. HEALY,
Secretary, National Milk Producers Federation.

STATEMENT OF JOHN M. LUMLEY, ASSISTANT EXECUTIVE SECRETARY FOR LEGISLATION AND FEDERAL RELATIONS, NATIONAL EDUCATION ASSOCIATION

The National Education Association appreciates the opportunity to present the Association's views on S. 2548, the School Lunch Reform Act of 1969.

The minutes of the NEA Board of Directors for October 1968 show the following action:

"It was moved by Mr. Harris (Iowa) seconded by Mr. Rivera (Puerto Rico), and carried, that the Board of Directors of the National Education Association favors a policy of lunches for all students within the established school finance

structure and urges that such a program be a part of the NEA and state education associations' legislative efforts."

Clearly, S. 2548 is a giant step in this direction and therefore is strongly supported by the National Education Association.

It is not necessary here to justify the need for greatly expanded programs of providing food services to needy children. The Agriculture Committee has heard from expert witnesses in the nutrition field on this matter. This statement therefore will be confined to specific suggestions for perfecting S. 2548 based on our experience and observation of present school lunch programs.

1. Section 2 amends Section 5 of the National School Lunch Act to provide substantially increased funds for non-food assistance. We suggest that on page 3, lines 8-13 should be amended to read as follows:

"Each state shall be entitled to an amount which bears the same ratio to the total amount to be apportioned among all the states as the number of *pupils enrolled* in schools programmed for new or replacement food preparation facilities in such state bears to the total number of *pupils enrolled* in schools which need new or replacement food preparation facilities in all the states."

This change of the formula factor to the number of pupils rather than to the school buildings will make for a far more equitable distribution of the federal money for non-food assistance not only among the states, but also within each respective state. The formula, if not amended, will channel the majority of funds to those states with large numbers of one-room rural schools, enrolling 10 to 20 children each at the expense of urban schools with enrollments of thousands. We believe the amended language would achieve the bill's objective more adequately.

2. At several points in the bill the language "... States and schools and service institutions" appears. We urge that this be amended to insert the words "*local education agencies*" before the word "schools." This would provide that school districts rather than individual public schools, would be responsible for local administration for public school lunch programs. (The term "school" should be retained to cover those non-public schools which are also eligible and are independent from the state and local public school administration.) If this amendment is accepted it will greatly simplify the problem of the USDA in that it will deal, through the states, with the central public school authority in a city, rather than with 50 to 100 individual schools which comprise the school district. This amendment also provides for more efficient administration and better utilization of commodities and non-food assistance at the operation level. The specific points in the bill to which this suggestion is pertinent are:

Page 4, line 22.

Page 5, line 2.

Page 6, line 6 and line 7.

Page 8, lines 10-14 should read "Such funds shall also be disbursed in such state to *local education agencies* and schools that are ineligible for such funds under the factors specified in the preceding sentence to assist such *local education agencies* and schools in providing free or reduced-price meals to needy children enrolled in such *local education agencies* and schools."

Page 8, line 17, should read "In circumstances of severe need where the rate per meal which the *local education agency* or school would otherwise receive is deemed by the Secretary to be insufficient to carry out an effective school lunch program in (such) *certain* schools, he may authorize financial assistance up to 80 per centum of the operating costs of such programs in such schools, including the cost. . . ."

Page 9, line 1.

Page 9, line 8.

3. S. 2548 provides for a national advisory council (Sec. 16, line 19, page 11). We strongly urge that this section be amended to provide that "one member shall be a classroom teacher" and that the USDA representation be reduced from five to four. We believe that the viewpoint of the classroom teachers who are in day to day contact with the children whom this legislation is intended to benefit, is essential to the advisory committee's effectiveness. Without such representation on the council the technicalities may absorb the council's attention to the exclusion of consideration of the basic objective—feeding hungry children.

4. On page 13, line 21, paragraph (h) provides that advisory council members shall serve without compensation. Since virtually all other of the numerous advisory committees to HEW, USDA, Defense, etc., customarily provide not to exceed \$100 per day when actually in session, this seems unnecessarily harsh. We urge that the customary per diem apply here also.

In closing, we wish to express the NEA's admiration and appreciation to the author of S 2548, Senator Herman Talmadge, and to the co-sponsors, Senators Hart, Hollings, Kennedy, Packwood, Moss, Metcalf, and Yarborough. The concern of these distinguished Senators, and of the members of the Senate Agriculture Committee, for the education and health of the nation's needy children is heartwarming. We represent the teachers of these children, and on their behalf extend our deep gratitude.

STATEMENT OF MRS. JOSEPHINE S. WEINER, NATIONAL PRESIDENT, NATIONAL COUNCIL OF JEWISH WOMEN, NEW YORK, N.Y.

The National Council of Jewish Women, established in 1893, with a membership of over 100,000 in local units throughout the United States, has been concerned with good nutrition and school lunches for more than two decades, and in fact was a supporter of the National School Lunch Act when it was before Congress more than two decades ago. Within recent years our concern extended to the adequacy of the program and we co-sponsored a Study of the National School Lunch Program. The result of the study was a report entitled "Their Daily Bread" which revealed tremendous short-comings in the program, particularly its failure to provide nutritious meals to children of low-income families. On the basis of these findings the sponsors of the study developed a series of recommendations some of which urged:

1. The price of the school lunch should be reduced to place it within the reach of the majority of children.
2. Increased Federal contributions.
3. Increased contributions from the States with particular emphasis on excluding children's fees from the contribution.
4. Increased local contributions: The local school district should pay for local administration, labor and equipment for school food service as a regular item in its budget.
5. The local school district should be the unit which contracts to participate in the National School Lunch Program, not the individual school.
6. Higher reimbursement rates and increased Special Assistance (Sec. 11) funds should be made available to schools which serve a high proportion of needy children.
7. Children should be eligible for free or reduced price lunches according to a uniform standard of need.
8. All school food service should be put under one administration at all levels—national, state, and local—to promote uniform funding, standards of eligibility record keeping and review and to effect greater efficiency and coordination.

Many of these recommendations are incorporated in S. 2548, and we consider this proposal as a very important step forward towards a comprehensive child feeding program so essential if the nutrition and health of the nation's children is to be improved.

We would, however, urge the Committee to include in this legislation a provision for national eligibility standards for free and reduced price lunches. In our report "Their Daily Bread" we indicated that the lack of a uniform method of determining who shall be eligible for a free or reduced price lunch results in unequal and unfair decisions on the local level. A child eligible in one community for a free lunch might not be eligible in a neighboring town; eligible in one school, he might be disqualified in a neighboring school. This lack of standards presents conscientious educators with choices they should not be forced to make. It fosters resentment and distrust on the part of needy parents.

In testimony before the Committee on Labor and Public Welfare, U.S. Senate, earlier this year, the National Council of Jewish Women urged consideration of the following recommendation in the report, "Their Daily Bread":

"The Congress, USDA, Boards of Education, State legislators, school lunch administrators should begin planning now for a universal free school lunch program as part of a coordinated plan for better nutrition for all children."

The following excerpts from that testimony outline the compelling reasons why this should receive serious consideration. We hope this Committee will examine this proposal, and take the necessary action:

"When the Elementary and Secondary Education Act was enacted Title I of the Act authorized funds for the alleviation of the problem of educational underachievement. There are undoubtedly a number of causes for educational underachievement, but one of the causes identified by educators and others is mal-

nutrition and lack of sufficient nourishment, particularly among children of low-income families.

In testimony before the Select Committee on Nutrition and Human Needs, it was indicated that there is a very important relationship between hunger and the ability to learn. Dr. Herbert C. Birch, Research Professor Albert Einstein College of Medicine, whose testimony was based on a scientific paper entitled, "Health and the Education of Socially Disadvantaged Children" stated that . . .

Children who are ill nourished are reduced in their responsiveness to the environment, distracted by their visceral state, and reduced in their ability to progress and endure in learning conditions. Consequently, given the same objective conditions for learning, the state of the organism modified the effective environment and results in a reduction in the profit which a child may derive from exposure to opportunities for experience. Consequently, the provision of equal opportunities for learning in an objective sense is never met when only the school situation is made identical for advantaged and disadvantaged children. Though such a step is indeed necessary, proper and long overdue, a serious concern with the profitability of such improved objective opportunities for socially disadvantaged children demands a concern which goes beyond education and includes an intensive and directed consideration of the broader environment, the health and functional and physical well-being of the child.

"Inadequacies in nutritional status as well as excessive amounts in intercurrent illness may interfere in indirect ways with the learning process."

Another witness before the same Committee, the Superintendent of Schools of San Diego, Texas, stated the problem in much simpler language when he said: "And basically we adopted a philosophy in the school district . . . that we felt that no child could be educated if he were hungry. . . ." One means of alleviating this problem is to provide nutritious meals for the children while they are in school. Even though we have had a National School Lunch Program for over twenty years it has not benefited the children who need it most.

Some two years ago the National Council of Jewish Women undertook a survey of the National School Lunch Program in cooperation with several other organizations. The findings of the survey were published in a report "Their Daily Bread" with which you are probably familiar. But it may be useful to emphasize again some of the deficiencies of the program revealed in this report.

Out of some 6 million children, whose parents' income falls below the poverty level only about 2 million were receiving free, or reduced price lunches. This is true in rural as well as urban centers. For those who do receive a free, or reduced price lunch, the experience is often humiliating, both to the child and the parent. The following quote from the report illustrates the difficulties involved in applying for a free lunch:

"In many cases, it is not the school, but the parents and the children who make the decision not to apply for free lunches. Over and over again, we heard parents say that although their need is great, they would not subject their children to the humiliation of being pointed out by their classmates as being too poor to afford lunch; or they would not go through the embarrassment of a searching investigation—with no guarantee of confidentiality—that applying for free lunches might involve."

That the school lunch is an intrinsic part of a child's education has been recognized by many school authorities, as evidenced by the fact that Title I funds are often used to provide nutritious meals for school children.

On the basis of our survey we believe that school lunch should be served to all children as a matter of course. Each child should be given his school lunch in the same way that the majority of children now receive their books and school equipment. The school lunch should be a basic part of the free public school education in which every child has a right.

We hope this Committee will give serious consideration to the initiation of such a program by providing incentive grants to school districts, municipalities or counties to develop model nutritional and food service programs for children and youth.

In conclusion we wish to commend this Committee and Senator Talmadge for responding, at least in part, to the overwhelming nutritional needs of our nation's children. We urge speedy favorable action on the pending legislation.

ALBANY, N.Y., October 17, 1969.

HON. JACOB K. JAVITS,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: New York State is one of a few states that has financially supported the School Lunch Program since the enactment of the National School Lunch Act.

Enclosed is a summary report showing the contribution that the New York State Legislators have made available to benefit the youth of New York State.

Sincerely yours,

HELEN L. DIEHL,
Administrator, School Lunch Supervision,
State Education Department.

(The report is as follows:)

COMPARATIVE STATISTICS FOR SCHOOL LUNCH PROGRAM, 1946-69

	1946-47	1956-57	1966-67	1968-69
Participation:				
Number of schools.....	2,375	3,084	4,372	4,421
Average daily participation.....	525,468	638,950	1,345,280	1,464,300
Total lunches for year.....	40,440,784	111,661,253	234,583,913	240,370,584
Free Meals Included in Total Above.....	15,145,460	29,871,402	67,601,109	71,065,318
Finances:				
Federal reimbursement (A lunches).....	\$4,494,793.08	\$5,132,304.00	\$9,606,800.00	\$13,348,312.46
New York State contribution:				
Reimbursement.....	17,709.55	4,885,821.29	12,155,195.19	9,682,082.30
Social service (welfare).....	(1)	2,485,544.09	9,262,797.62	10,665,315.00
Supervision, travel, communication, Office.....	(1)	139,616.14	306,352.61	305,000.00
Total.....		7,510,981.52	21,724,345.42	20,652,397.30

¹ Not available.

BATON ROUGE, LA, October 3, 1969.

HON. ALLEN J. ELLENDER,
Senate of the United States, Senate Office Building,
Washington, D.C.

DEAR SENATOR ELLENDER: Ever so often someone in Washington proposes that private food service companies supplant, or take over, the food services in our public schools and receive Federal reimbursement money and the Federal commodities.

We feel that the Lunch Program, as now operated, is one of the finest educational programs in the United States and we appreciate the fact that you have always been in the forefront in helping make it better. Recently we inaugurated a Breakfast Program to go along with the Lunch Program.

In our State, tens of thousands of youngsters attending our schools get their best meal when they eat in the school lunchrooms. This is true not only for the underprivileged and poor children but for many of the children who come from well-to-do families.

Our program is operating very smoothly and it is so well organized and so efficient that the lunches given our children for 20c or 25c could not be duplicated by a private agency for less than 75¢ or \$1.00.

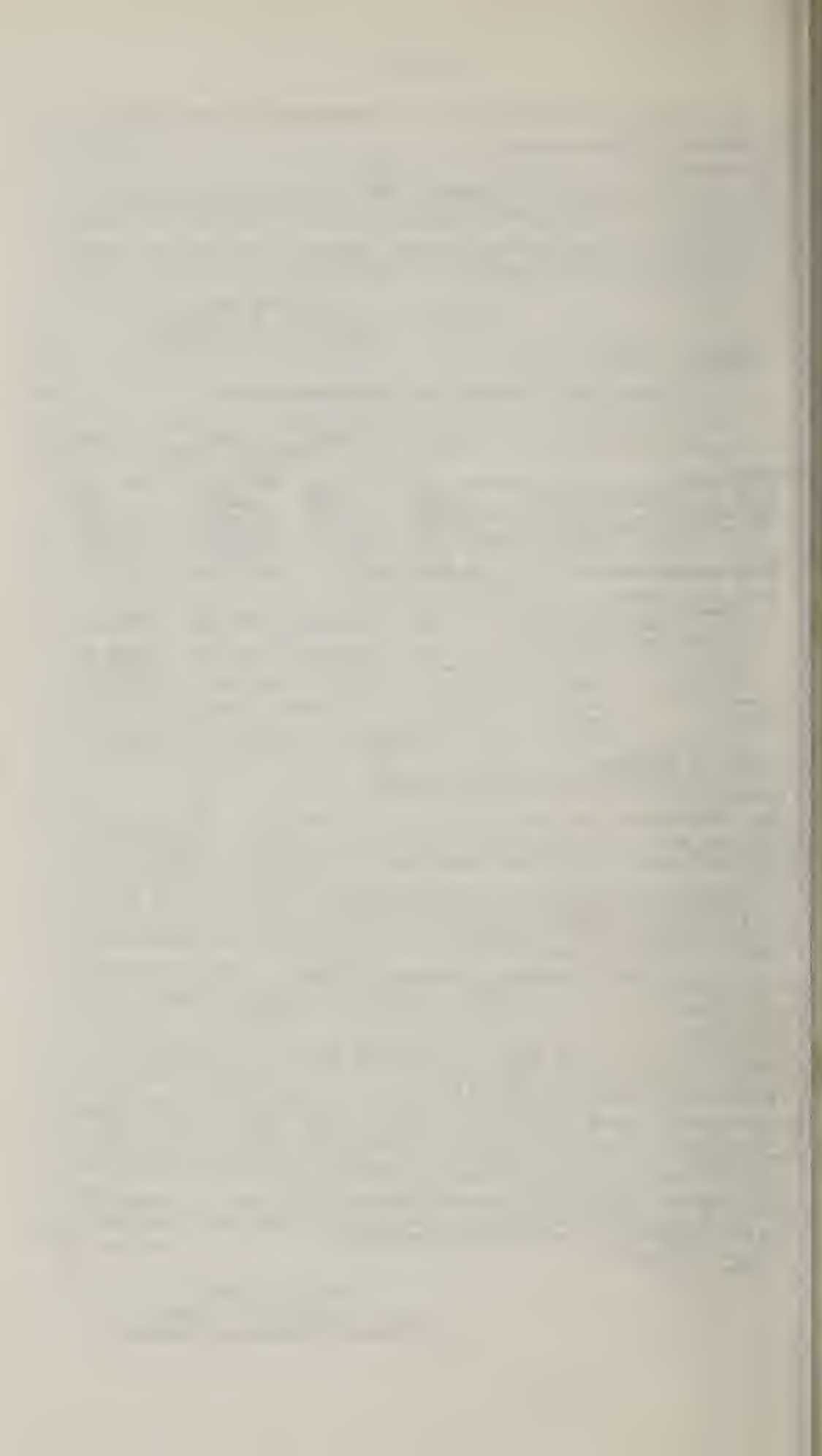
I hope that you can use your influence to continue the present policy of letting the school people operate the Lunch Program. I feel that if private school food services took over this program, it would not only raise a lot of conflicts in the schools but sooner or later the prices would become so high or the quality so bad that the entire program would deteriorate into nothing.

If hearings are held on any kind of bill to change the program, I would be happy to come up and testify before the committee and bring some of our local school administrators who feel as I have stated above.

With best wishes, I am

Your friend,

WILLIAM J. DODD,
State Superintendent,
Louisiana Department of Education.



LEGISLATIVE HISTORY
Public Law 91-248
H. R. 515

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Index and summary of H. R. 515.	1
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INDEX AND SUMMARY OF H. R. 515

Jan.	3, 1969	Rep. Perkins introduced and discussed H. R. 515 which was referred to House Education and Labor Committee. Print of bill and remarks of author.
Mar.	11, 1969	House committee voted to report H. R. 515.
Mar.	17, 1969	House committee reported H. R. 515 with amendment. H. Report No. 91-81. Print of bill and report.
Mar.	19, 1969	House Rules Committee reported resolution for consideration of H. R. 515.
Mar.	20, 1969	House passed H. R. 515 with amendments.
Mar.	24, 1969	H. R. 515 was referred to Senate Agriculture and Forestry Committee. Print of bill as referred.
July	7, 1969	Sen. Talmadge introduced S. 2548 which was referred to Senate Agriculture and Forestry Committee. Print of bill as introduced.
Jan.	22, 1970	Senate committee voted to report S. 2548.
Jan.	29, 1970	Senate committee reported S. 2548 with amendment. S. Report No. 91-641. Print of bill and report.
Feb.	20, 1970	Senate began debate on S. 2548.
Feb.	23, 1970	Senate continued debate on S. 2548.
Feb.	24, 1970	Senate passed with amendments H. R. 515 in lieu of S. 2548.
		S. 2548 was indefinitely postponed due to passage of H. R. 515.
		Copy of committee print on H. R. 515 as passed by Senate.
April	23, 1970	Both Houses appointed conferees.
April	29, 1970	House received conference report on H. R. 515. H. Report No. 91-1032.

INDEX AND SUMMARY OF H. R. 515, cont'd

April 30, 1970 Senate agreed to the conference report.
May 4, 1970 House agreed to the conference report.
May 14, 1970 Approved: Public Law 91-248

HEARINGS: H. Committee on H. R. 515
S. Committee on S. 2152

91ST CONGRESS
1ST SESSION

H. R. 515

U.S. CA
National Agricultural
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LEGISLATIVE REPORTING

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1969

Mr. PERKINS introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That—

4 FREE AND REDUCED-PRICE MEALS

5 (a) Section 9 of the National School Lunch Act (42
6 U.S.C. 1751) and section 4(c) of the Child Nutrition

of 1966 (42 U.S.C. 1771) are each amended by
inserting after the second sentence, a new sentence: "Such
determinations shall be made by local school authorities in
accordance with a publicly announced policy and plan
applied equitably on the basis of criteria which, as a
minimum, shall include the level of family income, including
welfare grants, the number in the family unit, and the
number of children in the family unit attending school or
service institutions."

(b) Section 9 of the National School Lunch Act is
further amended by inserting before the period at the end
of the former third sentence, and section 4(e) of the
Child Nutrition Act of 1966 and section 13(f) of the
National School Lunch Act are further amended by in-
serting before the period at the end of the former fourth
sentences of each the following: "nor shall there be any
overt identification of any such child by means such as
special tokens or tickets or by announced or published lists
of names".

(c) Section 13(f) of the National School Lunch Act is
amended by inserting after the second sentence, a new sen-
tence: "Such determinations shall be made by the service
institution authorities in accordance with a publicly an-
nounced policy and plan applied equitably on the basis of
criteria which, as a minimum, shall include the level of family

1 income, including welfare grants, the number in the family
2 unit, and the number of children in the family unit attending
3 school or service institutions.”

4 APPROPRIATION AND MATCHING

5 SEC. 2. (a) Section 3 of the National School Lunch Act
6 is amended by inserting at the end thereof: “Appropriations
7 to carry out the provisions of this Act and of the Child
8 Nutrition Act of 1966 for any fiscal year are authorized to be
9 made a year in advance of the beginning of the fiscal year in
10 which the funds will become available for disbursement to
11 the States.”

12 (b) Section 7 of the National School Lunch Act is
13 amended by inserting immediately before the last sentence
14 of the section the following:

15 “For each of the two fiscal years beginning July 1, 1970,
16 State tax revenues appropriated specifically for use for pro-
17 gram purposes in the schools or to defray the cost of intra-
18 state distribution of federally-donated commodities to the
19 schools shall equal at least 4 per centum of the matching re-
20 quirement; for each of the two succeeding fiscal years, at
21 least 6 per centum of the matching requirement; for each of
22 the subsequent succeeding two years, at least 8 per centum
23 of the matching requirement; and for each fiscal year there-
24 after, at least 10 per centum of the matching requirement.”

25 (c) The first sentence of section 10 and section 12 (d)

1 (5) of the National School Lunch Act are amended by
2 striking the words "preceding fiscal year" and inserting in
3 lieu thereof the following: "latest completed program year
4 immediately prior to the fiscal year in which the Federal
5 appropriation is requested".

6 NUTRITION TRAINING AND EDUCATION

7 SEC. 3. Section 6 of the National School Lunch Act
8 (42 U.S.C. 1755) is amended by striking the entire first
9 sentence and inserting in lieu thereof the following: "The
10 funds appropriated directly or by transfer from other ac-
11 counts for any fiscal year for carrying out the provisions
12 of this Act, and for carrying out the provisions of the Child
13 Nutrition Act of 1966, other than section 3 thereof, less not
14 to exceed $3\frac{1}{2}$ per centum thereof which per centum is hereby
15 made available to the Secretary for his administrative ex-
16 penses under this Act and under the Child Nutrition Act
17 of 1966, less the amount apportioned by him pursuant to
18 sections 4, 5, and 10 of this Act less the amount appro-
19 priated pursuant to section 11 and section 13 of this Act
20 and sections 4, 5, and 7 of the Child Nutrition Act, and
21 less not to exceed 1 per centum of the funds ^{provided} appropriated
22 for carrying out the programs under this Act and the pro-
23 grams under the Child Nutrition Act of 1966 other than
24 section 3 which per centum is hereby made available to the
25 Secretary to supplement the nutritional benefits of these

1 programs through grants to States and other means for nu-
2 tritional training and education for workers, cooperators and
3 participants in these programs and for necessary surveys
4 and studies of requirements for food service programs in
5 furtherance of the purposes expressed in section 2 of this Act
6 and section 2 of the Child Nutrition Act of 1966, shall be
7 available to the Secretary during such year for direct ex-
8 penditure by him for agricultural commodities and other
9 foods to be distributed among the States and schools and
10 service institutions participating in the food service programs
11 under this Act and under the Child Nutrition Act in accord-
12 ance with the needs as determined by the local school and
13 service institution authorities.”

14 INCLUSION OF TRUST TERRITORY

15 SEC. 4. (a) Section 12 (d) (1) of the National School
16 Lunch Act is amended by striking the word “or” that
17 precedes the term “American Samoa” and by adding at the
18 end of the sentence the following: “or the Trust Territory
19 of the Pacific Islands.”

20 (b) Section 15 (a) of the Child Nutrition Act of 1966
21 is amended by striking the word “or” that precedes the term
22 “American Samoa” and by adding at the end of the sentence
23 the following: “or the Trust Territory of the Pacific Islands”.

24 (c) The National School Lunch Act and Child Nutri-
25 tion Act of 1966 are amended by inserting the phrase, “and

1 the Trust Territory of the Pacific Islands” after the term
2 “American Samoa” wherever that term appears in such
3 Acts other than in the sections amended by subsection (a)
4 and (b) of this section and other than the proviso in section
5 11 (b) and in section 4 of the National School Lunch Act.

6 EQUIPMENT RENTAL

7 SEC. 5. Section 5 (c) of the Child Nutrition Act of 1966
8 is amended by striking the period at the end of the first
9 sentence and inserting at the end thereof “through purchase
10 or rental.”

11 STATE ADMINISTRATIVE EXPENSES

12 SEC. 6. (a) Section 7 of the Child Nutrition Act of 1966
13 is amended by inserting in the first sentence following the
14 phrase “its administrative expenses”, the following: “or for
15 the administrative expenses of any other designated State
16 agency”, and by inserting after the phrase “the local school
17 districts”, the words “and service institutions”.

18 (b) Section 7 of the Child Nutrition Act of 1966 is
19 further amended by inserting at the end of the second
20 sentence the following: “including additional activities under-
21 taken in the distribution of donated commodities.”

22 REGULATIONS

23 SEC. 7. (a) Section 9 of the National School Lunch Act
24 is amended by inserting at the end thereof a new sentence:
25 “The Secretary is authorized to prescribe terms and condi-

1 tions respecting the use of commodities donated under said
2 section 32 and section 416 of the Agricultural Act of 1949
3 as will maximize the nutritional and financial contributions
4 of such donated commodities in schools receiving such
5 commodities.”

6 (b) Section 10 of the Child Nutrition Act of 1966 is
7 amended by striking the period at the end thereof and insert-
8 ing the following: “and the National School Lunch Act,
9 including regulations relating to the service of food in partici-
10 pating school and service institutions in competition with the
11 programs authorized under this Act and the National School
12 Lunch Act. In such regulations the Secretary may provide
13 for ^{Transfer} interchange of funds by any State between the programs
14 authorized under this Act and the National School Lunch
15 Act on the basis of an approved State plan of operation for
16 the use of the funds and may provide for the reserve from
17 the apportionments to the States of not to exceed 1 per
18 centum of available funds for special developmental projects.”

A BILL

To amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions.

By Mr. PERKINS

JANUARY 3, 1969

Referred to the Committee on Education and Labor

shares, even in these critical and trying times."

General Lewis said that the Speaker himself, out of his modesty, had given ROA and others part of the credit for preventing abolishment of the Selective Service System during the defense buildup just prior to World War II. It was in August 1941 that the House by a one-vote margin saved the Selective Service Act and thus the input of American manpower into the military training camps.

General Lewis said that he had notified the Speaker in a personal interview of his selection to receive the Association's highest award, and that Speaker McCormack had accepted with an expression of deep gratitude to the ROA and the nation's Reservists.

CHILD NUTRITION PROGRAMS

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PERKINS. Mr. Speaker, nearly 1.7 million schoolchildren this school year will receive a free or greatly reduced price lunch that otherwise would have been denied them had not the House voted overwhelmingly last session to put real muscle into child nutrition programs.

But hungry children come knocking at the door of the Congress again. Our action last session is only good for this school year. In addition, while we helped 1.7 million there are yet another 2.5 million schoolchildren who are being denied a free lunch.

We can do better than we have done. In response, I am offering again the legislation that led to the breakthrough which raised the number of children receiving free or reduced price lunches from 2.5 million to over 4.1 million.

We all know in face of the evidence before the Congress that additional funds are needed and especially for the food stamp and other programs to serve needy families—but in view of world conditions and in the face of fiscal reality, if priorities are set, one of the topmost is to meet the nutritional requirements of schoolchildren throughout the Nation.

These bills, like those of last session on which they are patterned, are the result of hours and hours of hearings, of the words and recommendations of school officials, nutritionists, doctors, and of private organizations and agencies. Those hearings established conclusively that hunger and malnutrition can be eliminated if adequate funds are made available, and if State and local governments carry out their responsibilities more effectively.

The first measure is H.R. 516, which will provide \$100 million a year for up to 3 years to strengthen the child nutrition programs. The funds would be automatically available from section 32 on July 1 of each year to the Secretary of Agriculture.

When the House passed its twin brother—H.R. 17872—last session, the proposal ended up in the final days as a one-shot, 1-year program at \$50 million, or half the level we approved. The need which prompted the legislation still exists, and will become even more grievous if all Congress does is to apply a 1-year bandage to a continuing, growing wound.

In one sense, action this session is even more critical than the last. The USDA and the States together have accepted the intent of the Congress to do more in child nutrition. Each State has developed a special program to reach more children utilizing the additional funds we made available, and the Department has revised its regulations to allow States to put more funds to work to feed more children in need. Together they have structured in a very short time a program which is reaching those the legislation intended to help.

We cannot allow this new beginning to die from lack of support, nor can we in good conscience simply repeat this year what we did the last. We must go further along the road to good nutrition for children—we must do more.

I am told that we can reach all of those children who need free or reduced price lunches with an additional \$60 million, or a total of about \$100 million a year. Thus H.R. 515, which I am introducing today, will enable the Congress to meet its immediate responsibility to the hungry children of the Nation.

However, we should recognize, as the hearings on hunger and malnutrition clearly demonstrate, that money alone will not solve this problem. We must look to the processes of government which give this federal system of ours the ability to respond to the needs of the people it was created to serve. The success of the USDA and the States in putting the \$50 million to work to feed hungry children indicates that the federal system can function if the adrenal shock of need is clear enough.

But good government is not a passion of the moment, it is a lifetime enthusiasm for the concept of public service. We not only must enact legislation designed to serve a public need, but also insure that the system which is entrusted with its execution is equipped to do that job effectively.

We have, I fear, too often given our enthusiasm to the former and criticized the latter.

Thus, H.R. 515, patterned in nearly all detail after H.R. 17873, which this body enacted unanimously last session, seeks to find ways to resolve some of the barriers which stand in the way of public services reaching the people.

It will require that all States, for the first time, join with us in financing the lunch program. A number of States do this now; but most of them do not, and content themselves with using the children's payment to fulfill the matching requirement in the law.

The proposal also authorizes year-in-advance appropriations as a way to encourage the Department and the States to plan ahead for child nutrition programs with the knowledge that the funds to carry out those programs will be available. At present, Congress often decides its budgets in November, 3 months after the school year has begun. Schools seeking to expand nutrition programs must wait, and State plans cannot be tied down. Good nutrition is the victim of these delays.

The proposal also places specific requirements upon States and local school

districts to develop and publish procedures for determining which children will receive free or reduced price lunches. Similarly, the proposal restricts the use of competitive food service in schools—or snack bars and other food services which operate in competition with the regular lunch program within the school. If our goal is improved child nutrition then food services which are not based on sound nutrition concepts should not operate at the same time as the lunch or breakfast program.

The proposal also authorizes the Department and the States to use up to 1 percent of the funds appropriated for child nutrition programs for nutrition education, and another 1 percent for experimental programs. We should give those charged with improving the nutritional status of children the tools to train and to try new methods.

With these, and other basically procedural improvements included in H.R. 515, we will have cleared away many of the restraints and barriers to effective program administration. Some may say we should not lay down requirements the States must follow. Yet, unless we do, no one else will—and we will have left unresolved the question whether the federal system can work.

I know it can, because we see it working—if not well—today. I know it will work better, because I know the caliber of people in the Federal and the State governments who want to make it work. I know it must, because we here today are charged with the ultimate responsibility to make it work.

I have read carefully through the testimony on hunger and malnutrition presented in hearings before my committee. While I find many accusations as to the actions taken by the Secretary of Agriculture and the Department, the facts demonstrate conclusively that he has done an enormously creative job and has achieved more than one would expect based on his authority and the funding support given to him by the Congress. If he were to be criticized, it would be on the single point that the per family charges for food stamps are higher than they should be. Yet, even on this point, the Secretary's efforts to lower the purchase price have been limited by the restrictions we made on the money we appropriated. He could have done more had we made the appropriation for the food stamp program equal to the authorization. Our performance did not measure up to our promise.

I present these bills not as a vehicle to apportion the blame, but as a means of resolving the problem. The hungry are not interested in assigning guilt, but only in escaping from malnutrition. There is no excuse for a hungry child, and far less excuse for hundreds of thousands of hungry children.

We have the food, we have a delivery system capable of reaching every hungry child, and, with the bills I have introduced today, we will get this job done.

TEXTILE IMPORTS

(Mr. DORN asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. DORN. Mr. Speaker, during the 90th Congress, there was a great deal of interest in the problems created by the tremendous flood of textile imports entering this country. The Third District of South Carolina is one of the Nation's major textile producing areas. Low-wage imports have been a matter of grave concern to me and a problem I have wrestled with for 20 years. During the past session of Congress, I introduced legislation which would have restored orderly trade in textiles and protected the jobs of the 2.4 million Americans who depend upon the textile and apparel industries for a livelihood. Almost 200 of my colleagues in the House sponsored similar legislation.

During the months since Congress adjourned, the problem of textile imports has become even more critical. The U.S. Department of Commerce has just announced that during the first 11 months of 1968 textile imports amounted to more than 3 billion square yards. This is 28 percent higher than the previous year, and 1968 will be an alltime record year. Virtually every month, new records are being set, and each new record level of imports means that more and more badly needed textile jobs are being displaced.

Mr. Speaker, this Nation, and particularly the textile-producing States, cannot afford to let this situation continue any longer. These imports are entering the United States not because they are any better or because they are more efficiently produced, but simply because they are made at wage scales and under working conditions which would be illegal in this country.

For this reason, I have acted at the earliest possible moment during this new Congress and introduced a bill, H.R. 184, which provides for fair and orderly trade in textiles. My bill is identical to the one which received such widespread support during the last session of Congress except for some changes in definitions and dates.

Mr. Speaker, this is an imminently fair and equitable bill. It provides for a reasonable level of imports, but at the same time, it will encourage the future growth and development of one of our most basic and essential industries.

RULES OF PROCEDURE FOR THE COMMITTEE ON RULES

(Mr. COLMER asked and was given permission to address the House for 1 minute and to include extraneous matter.)

Mr. COLMER. Mr. Speaker, in conformity with and carrying out the provisions of rule XI of the House, the Committee on Rules, on January 7, 1969, unanimously adopted the following rules of procedure for the Committee on Rules:

RULES OF PROCEDURE FOR THE COMMITTEE ON RULES, ADOPTED JANUARY 7, 1969

RULE 1. MEETINGS

The Committee on Rules shall meet at 10:30 a.m. on Tuesday of each week while the Congress is in session. Meetings shall be called to order and presided over by the Chairman or, in the absence of the Chairman,

by the ranking Majority Member of the Committee present, as Acting Chairman.

Meetings and hearings of the Committee shall be open to the public except when a majority of the Committee determine that testimony received may bear upon matters affecting the national security. Executive sessions of the Committee shall be closed.

For the purpose of hearing testimony, a majority of the Committee shall constitute a quorum.

A printed transcript of any hearing or public meeting of the Committee may be had if the Chairman decides it is necessary, or if a majority of the Members request it.

A Tuesday meeting of the Committee may be dispensed with where, in the judgment of the Chairman, there is no need therefor, and additional meetings may be called by the Chairman or by written request of a majority of the Committee duly filed with the counsel of the Committee.

RULE 2. VOTING

No measure or recommendation shall be reported or tabled by the Committee unless a majority of the Committee is actually present.

A roll call vote of the Members of the Committee may be had upon the request of any Member.

RULE 3. REPORTING

Whenever the Committee authorizes the favorable reporting of a bill or resolution from the Committee the Chairman or Acting Chairman shall report the same or designate some Member of the Committee to report the same to the House, as provided in the Rules of the House.

RULE 4. COMMITTEE STAFFING

The professional and clerical staffs of the Committee shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of the members of the staffs and delegate such authority as the Chairman deems appropriate, with the exception of the Minority staff, who shall be selected by and under the general supervision and direction of the Ranking Minority Member of the Committee.

RULE 5. MISCELLANEOUS

The Committee shall prepare, maintain, and publish for the Members of the Committee, so far as practicable, a calendar listing all matters formally before it. Information on the Calendar shall include the numbers of the bills or resolutions, a brief description of a bill's contents, including the legislative committee reporting it and the name of the principal sponsoring Member. For purposes of this rule, matters formally before the Committee include: bills or resolutions over which the Committee has original jurisdiction, and bills or resolutions from other committees concerning which the chairman or designated member of such committee has requested a hearing in writing and forwarded to the Committee on Rules a copy of such bill or resolution as reported, together with the final printed committee report.

Upon adoption of the rules and procedures of the Committee at the opening of each Congress, the Chairman may have these rules and procedures printed in an early issue of The Congressional Record.

THE ORDEAL TO WHICH MEMBERS OF CONGRESS ARE EXPOSED

(Mr. HUNGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNGATE. Mr. Speaker, a statement by William Pitt Fessenden, of Maine, who served in the House and Senate more than a century ago should

prove of interest, particularly to new Members.

Mr. Fessenden said:

When, a man becomes a member of this body he cannot even dream of the ordeal to which he cannot fail to expose—

Of how much courage he must possess to resist the temptations which daily beset him;

Of that sensitive shrinking from undeserved censure which he must learn to control;

Of the ever-recurring contest between a natural desire for public approbation and a sense of public duty;

Of the load of injustice he must be content to bear, even from those who should be his friends;

The imputations of his motives;

The sneers and sarcasms of ignorance and malice; and

All the manifold injuries which partisan or private malignity, disappointed of its objects, may shower upon his unprotected head.

All this, if he would retain his integrity, he must learn to bear unmoved, and walk steadily onward in the path of duty, sustained only by the reflection that time may do him justice, or if not, that after all his individual hopes and aspirations, and even his name among men, should be of little account to him when weighed in the balance against the welfare of the people of whose dignity he is a constituted guardian and defender.

LEGISLATION TO CREATE THREE ADDITIONAL JUDGESHIPS IN SOUTHERN CALIFORNIA

(Mr. VAN DEERLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VAN DEERLIN. Mr. Speaker, I am pleased, indeed, to join with three of my colleagues in sponsoring legislation for authorizing three additional judges for California's southern Federal court district.

The two full-time judges now assigned to this district, which encompasses San Diego and Imperial Counties, are bearing the heaviest caseloads in the Nation. During the past fiscal year, they each handled 1,025 cases, nearly four times the average of 265 cases for each of the 323 district court judges nationally.

The court district fronts on the international border with Mexico, accounting for an unusually high number of narcotics and illegal entry arrests which must be processed in the local Federal courts. Just 16 days ago presiding Judge Fred Kunzel worked into the late evening arraigning 27 suspects in an international narcotics smuggling ring. This is a problem peculiar to this district, and one that demands substantial relief.

The figure of three additional judges is not one plucked out of the air; it has been recommended by the prestigious U.S. Judicial Conference and endorsed by the Administrative Office of the U.S. Courts.

Authorities have been trying to meet the overload problem in the southern court district by the temporary assignment of visiting judges to the district. Clearly, this kind of stopgap arrangement is not a satisfactory solution to a dilemma that is achieving emergency proportions. Only through the assignment of permanent new judges to the

Mar. 11, 1969

HOUSE

11. CHILD NUTRITION. The Education and Labor Committee voted to report (but did not actually report) H. R. 515, to amend the National School Lunch Act and the Child Nutrition Act, to strengthen the food service programs for children in schools and service institutions. p. D170.
12. FOREIGN AID. The Rules Committee reported a resolution for consideration of H. R. 33, to provide for increased U.S. participation in the International Development Association. p. H1598.
Rep. Patman expressed a hope for favorable action on H.R. 33. p. H1559.
13. LUMBER PRICES. The Rules Committee reported without amendment H. Res. 306, to authorize the Banking and Currency to investigate and study prices of lumber and plywood (H. Rept. 91-39) (pp. H1598, H1559-60). Rep. Berry inserted an article claiming "the vast drain of logs to Japan has kicked up timber prices drastically." (p. H1548).
14. HOLIDAYS. The Judiciary Committee voted to report (but did not actually report) H. R. 2171, relating to national observances and holidays. p. D170.
15. INVESTIGATIONS. The Rules Committee reported with amendment H. Res. 213, to authorize the Government Operations Committee to conduct certain studies and investigations (H. Rept. 91-35), and without amendment H. Res. 268, to authorize the Post Office and Civil Service Committee to conduct certain studies and investigations (H. Rept. 91-37). p. H1598.
16. ELECTRIFICATION. Rep. Moss inserted a section-by-section analysis of the electric power reliability bill. pp. H1537-42.
17. WATERSHEDS. Rep. Montgomery stated that 96 small watershed projects approved in both Houses in the 90th Congress are being held up by President Johnson's decision "that the authority to approve small watershed projects belongs to the President, not to the Congress." He listed the 96 watersheds and urged President Nixon to see that operations funds for these projects are promptly released." pp. H1542-4.
18. URBAN PROBLEMS. This office has just received H. Doc. 91-34, the report of the National Commission on Urban Problems, "Building the American City." Two copies are available for reference or lending. The document can be purchased from the Superintendent of Documents, Government Printing Office, for \$4.50 per copy.
19. RECREATION. Rep. Cohelan hoped for action this session on the bill to increase the authorization for funds to acquire the remaining lands to be included in the Point Reyes National Seashore. p. H1544.
20. CONSUMER CREDIT. Rep. Williams criticized "the violent attack by the Consumer Federation of America" on the proposed Uniform Consumer Credit Code and inserted two editorials. pp. H1555-6.
21. ECONOMY. Rep. Patman inserted the testimony of George Meany on "the economic outlook for 1969." p. H1560-1.

22. TAXATION. Rep. Galifianakis spoke on the "need for basic changes in our Federal income tax laws." pp. H1561-2.
 23. YOUTH PARTICIPATION. Rep. Pepper spoke in favor of his bill to create a Cabinet-level Department of Youth Affairs, inserted the text of the bill, and asked that several congressmen be added as co-sponsors. pp. H1565-6.
 24. ROSS RIZLEY. Rep. Belcher paid tribute to the late Ross Rizley, former Member of the House and former Assistant Secretary of Agriculture. pp. H1566-70.
 25. LEGISLATIVE REORGANIZATION. Rep. Steiger, Wisc., inserted a report, "Major Differences Between the Rumsfeld Legislative Reorganization Bill--H.R. 6278, 91st Congress--and S. 355 as Passed by the Senate, 90th Congress." pp. H1570-1.
 26. PROCUREMENT. Rep. Holifield asked for support of his bill to establish "a temporary Commission to study the whole field of Government procurement and to make recommendations for greater economy, efficiency, and effectiveness." pp. H1573-7.
 27. FOREIGN TRADE. Rep. Cohelan inserted an article, "Hobbling Trade: Nontariff Curbs Spread Despite Free Traders' Fight To Remove Them--Common Market Set To Tax Soybean Oil; United States Wants 'Voluntary' Textile Quotas--Some Tariff Cuts Are Offset." pp. H1596-8
 28. HEALTH. Rep. Michel stated, "no matter how much the Congress authorizes or appropriates for Government health programs, it never seems to be enough," and inserted descriptions of the various programs. pp. H1578-90.
 29. SOCIAL SECURITY. Rep. McFall recommended study of the proposed Pay-As-You-Go Social Security Prosperity Insurance bill, including the financial ways and means to make these achievements into an efficiently working mechanism of prosperity insurance. pp. H1577-8.
 30. LEGISLATIVE PROGRAM. The Daily Digest states that on Wed. the House will consider the bill to provide for increased participation by the U.S. in the International Development Assoc., and several committee funding resolutions. p. D170.
- EXTENSION OF REMARKS
31. TOBACCO. Sen. Thurmond inserted a S.C. House of Representatives resolution requesting Congress to take such action as is necessary to prevent FCC from prohibiting the advertising of tobacco products. p. E1841.
 32. LANDS. Rep. Don Clausen inserted his speech, "Land Use Concepts: Past, Present, and Future." pp. E1848-50.

March 17, 1969

-2-

1. NOMINATIONS. Confirmed the nomination of James V. Smith to be Administrator of the Farmers Home Administration. p. S2889.
Confirmed the nomination of Henry Kearns to be President of the Export-Import Bank. S2889.
2. RECLAMATION. The Interior and Insular Affairs Committee voted to report (but did not actually report) S. 742, authorizing the Kennewick division extension, Yakima project, Wash., amended, and S. 743, authorizing the Touchet division, Walla Walla project, Oreg.-Wash., amended. p. D189.
3. SALINE WATER. The Interior and Insular Affairs Committee voted to report (but did not actually report) S. 1011, authorizing \$27 million for the saline water program for fiscal year 1970, amended. p. D189.
4. WILDERNESS. The Interior and Insular Affairs Committee voted to report (but did not actually report) S. 714, to designate the Ventana Wilderness, Los Padres National Forest, Calif., amended, and S. 713, to designate the Desolation Wilderness, Eldorado National Forest, Calif. p. D189.
5. TAXATION. Sen. Proxmire opposed the reenactment of the 10-percent Federal surtax. pp. S2901-2, S2909-10.
6. EMPLOYMENT. Sen. Proxmire commended a Forest Service and OEO pilot program in the Milwaukee school system to recruit and train young men to combat problems spawned by poverty. pp. S2908-9.
7. WILDLIFE. Sen. Yarborough expressed hope that bills to protect endangered species of native fish and wildlife be acted upon soon. pp. S2910-11, S2911-2.
8. TOMATOES. Sen. Goldwater called for the administration to end the trade restrictions on Mexican tomatoes. pp. S2912-3.
9. EDUCATION; FEDERAL AID. Sen. Gravel protested the annual "threat" to the Federal impact education appropriation and inserted a letter from a Fairbanks, Alaska, school district to "illustrate" the threat. pp. S2917-8.
10. ADJOURNED until Thurs., Mar. 20. p. S2918.

HOUSE

1. CHILD NUTRITION. The Education and Labor Committee reported with amendment H.R. 515, to provide free and reduced price meals for needy children (H. Rept. 91-81). p. H1784.
2. FOREIGN AID. Rep. Mize inserted an article, "Education for Agricultural Development," describing several agricultural "earn while you learn" projects in India sponsored by AID. pp. H1769-71.

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

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HIGHLIGHTS: Senate confirmed nomination of Smith to be FHA Administrator. House committee reported bill to provide free and reduced price meals for needy children. Sen. Goldwater criticized trade restrictions on Mexican tomatoes. Rep. Findley introduced and discussed bill to assist farmers in adjusting to changing technology.

STRENGTHENING CHILDREN'S FOOD SERVICE PROGRAMS

MARCH 17, 1969.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. PERKINS, from the Committee on Education and Labor,
submitted the following

REPORT together with ADDITIONAL VIEWS

[To accompany H.R. 515]

The Committee on Education and Labor, to whom was referred the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 3, line 16, after "appropriated" insert "or utilized", and strike out "for use".

EXPLANATION AND BACKGROUND

The bill (H.R. 515), approved by the Committee on Education and Labor, is supported by the new administration, as it was supported by the former administration.

It is substantially similar to the bill H.R. 17873 (H. Rept. 1590, 90th Congress) which was approved by the House of Representatives by a vote of 352 to 0 on July 1, 1968. This, and a companion emergency food service bill (H.R. 17872, H. Rept. 1589, 90th Congress) grew out

of extensive hearings conducted by the Committee on Education and Labor into the extent of hunger and malnutrition in the United States. (The bill, H.R. 17872, was also enacted by the House of Representatives by a vote of 274 to 78 on July 1, 1968. Its provisions are incorporated in H.R. 516, upon which the committee will act subsequently.)

On January 16, 1969, the former Secretary of Agriculture, the Honorable Orville Freeman, testified before the committee and said:

We need H.R. 515 * * *. If this bill is enacted, I believe this Congress can say in good conscience the legislative framework to reach children with improved nutrition is complete.

Subsequently, the views of the new administration were presented on March 6, 1969, by Mr. Roy W. Lennartson, Administrator, Consumer and Marketing Service, USDA. He said:

The Department of Agriculture and the administration endorse all of the major features of this bill. We believe it will go far to complete the legislative framework we need if we are to make food service programs for children totally effective.

Testimony heard in the comprehensive hearings conducted by the Committee on Education and Labor in 1968, as well as the inquiries into school food service programs and the recommendations of both school lunch officials at the State and local level and private groups, made it very clear that there are wide variations across the country in the problems of undernutrition among children; in the understanding of nutritional requirements and their importance, and in the actual operation of the child food service programs.

The bill (H.R. 515) addresses itself to these problems.

The bill amplifies present language in section 9 of the National School Lunch Act which requires meals to be served without cost or at a reduced cost to children unable to pay the full cost of the lunch. The bill requires that such children be determined by a systematic plan applied to all families on the basis of need criteria which includes: (1) Level of family income, (2) number of members in the family, and (3) number of children from the family attending school. The bill adds provisions specifically prohibiting the identification of any child or children participating in the school lunch program or any food program under the Child Nutrition Act by the use of such devices as special tokens, tickets, or published lists of names.

Following the hearings conducted by this committee in 1968 and House enactment of the bills H.R. 17872 and H.R. 17873, former Secretary of Agriculture Freeman issued guidelines to the States and has amended the child food service regulations to incorporate the substance and the objectives of the first section of H.R. 515.

The States and the school districts are currently in the process of developing and publishing the eligibility standards so that every family will know whether a child should be receiving a free or reduced-price meal.

The new administration concurs in this action. Both have stated that congressional action would be welcomed.

The second major feature of the bill involves appropriations and the matching provisions of the School Lunch Act. This committee, over

the years, has heard extensive testimony from school officials as to the need for advanced funding of education programs. In the Vocational Education Act Amendments of 1968 the Congress granted advance funding authority to all programs administered by the Office of Education. The same need applies in food service programs, and is and is authorized in H.R. 515.

This phase of the bill is linked closely with the change in the matching formula for the regular school lunch program. For many years, most States have relied almost entirely on children's payments to provide the bulk of funds required under the 3 to 1 matching provisions. (In fiscal year 1967, payments by children accounted for 56 percent of the cost of the school lunch program.) Relatively few States provide direct cash for program support in the schools.

In fiscal years 1970 and 1971, under the bill, State appropriated funds for the school lunch program made up from tax sources must equal at least 4 percent of the matching requirements. Every other fiscal year thereafter the State revenue matching requirement would be increased by 2 percent until the State matching requirements reached a level of 10 percent. This requirement would not apply in the case of programs conducted in nonprofit private and parochial schools.

Another major provision of H.R. 515 authorizes nutrition training in education. Throughout the testimony presented to the committee, not only during its exhaustive study of 1968 but in testimony received during 1969, it is clear that a great many Americans of all economic levels are not very well informed on the subject of nutrition and its importance. Since the inauguration of the school lunch program more than 30 years ago it was felt that the serving of a type A lunch would serve to instill good nutritional habits in the youngsters who were participating in the program. This obviously has not been the case. The bill, H.R. 515, would amend appropriations authorizations of the National School Lunch Act and the Child Nutrition Act to permit not to exceed 1 percent of the funds to be used for grants to States in providing nutritional training and education for program participants and employees. Assuming that the funds contained in the budget for fiscal year 1970 are appropriated the enactment of H.R. 515 will permit the expenditure of \$3,964,660 for nutrition education activities in connection with the school food service programs.

The final major provision of H.R. 515 includes two features: one would permit the Secretary of Agriculture to take a hard look at some of the competition to the balanced meal offered within schools and service institutions. Many State and local school lunch directors will welcome this Federal interest in the impact on sound nutritional food services of the availability of candy bars, soft drinks and a snack line in the school cafeterias.

The second feature of the final major provision provides flexibility to the Department and to the States as they move toward providing a fully adequate food service for children. The needs of States vary, some need equipment for urban centers operations before they can begin a full-scale food service program, others with fully equipped schools need money for free or reduced price meals.

We believe that the amendments to section 6 of the National School Lunch Act will accomplish both these purposes.

Further, the bill would include the Trust Territory of the Pacific Islands in the National School Lunch Act and the Child Nutrition Act.

SECTION-BY-SECTION ANALYSIS OF THE BILL

Section 1(a).—Amends section 9 of the National School Lunch Act and section 4(c) of the Child Nutrition Act of 1966 so as to further amplify present language requiring meals to be served without cost or at a reduced cost to children who are determined by local school authorities to be unable to pay the full cost of the lunch, by requiring determinations to be made locally under a publicly announced policy and plan applied equitably to all families on the basis of criteria which includes (1) level of family income, (2) numbers in the family unit, (3) the number of children attending school or service institutions.

Section 1(b).—While present law (sections 9 and 13(f) of the National School Lunch Act, and section 4(e) of the Child Nutrition Act of 1966) prohibits discrimination against any child because of his inability to pay, this subsection specifically prohibits the identification of any such child or children participating in the school lunch program by the use of such devices as special tokens, tickets, or published lists of names.

Section 1(c).—This subsection amends section 13(f) (day care centers, etc.) of the Child Nutrition Act of 1966 so as to incorporate both of the requirements in subsection (a) of this section.

Section 2(a).—This subsection amends section 3 of the National School Lunch Act to permit advance funding of that act and the Child Nutrition Act of 1966.

Section 2(b).—Amends section 7 of the National School Lunch Act to require, beginning July 1, 1970, matching from State funds appropriated or utilized for program purposes or to defray the cost of intra-state distribution of commodities (under existing practice State matching is provided from payments made by children for their lunches). For each of the first 2 fiscal years beginning with fiscal year 1971 State appropriated funds must equal at least 4 percent of the matching requirements. For the next 2 succeeding fiscal years at least 6 percent, and for the third 2-year period at least 8 percent, and for each ensuing fiscal year thereafter at least 10 percent of matching requirements must be made up from State appropriated funds.

Section 2(c).—Amends the definition of "participation rate" now contained in section 12(d)(5) of the National School Lunch Act so that for the purposes of that term the number of school lunches will no longer be calculated on the basis of those served for the preceding fiscal year, but rather for the "latest completed program year immediately prior to the fiscal year in which the Federal appropriation is requested." A corresponding amendment is made to section 10 of the act, which relates to nonprofit private schools.

Section 3.—Amends section 6 of the National School Lunch Act to permit the use of appropriations made to carry out the act (including those transferred from other accounts) to be used for the administrative expenses of the Secretary in carrying out the Child Nutrition Act of 1966, as well as the National School Lunch Act. Further, it permits up to 1 percent of such funds to be used to supplement the nutritional benefits of the programs through grants to State and other means for nutritional training and education and for surveys and studies of food service program requirements.

Section 4(a).—Makes provision for participation of the Trust Territory of the Pacific Islands in the National School Lunch Act.

Section 4(b).—Makes provision for participation of the Trust Territory of the Pacific Islands in the Child Nutrition Act of 1966.

Section 4(c).—Amends other sections of the National School Lunch Act and Child Nutrition Act to include appropriate reference to the Trust Territory of the Pacific Islands in appropriate places.

Section 5.—Amends section 5(c) of the Child Nutrition Act of 1966 to permit the acquisition of equipment by rental as well as through purchase.

Section 6(a).—Amends section 1 of the Child Nutrition Act of 1966 to permit use of appropriated funds for administrative expenses designated State agencies other than the State educational agency.

Section 6(b).—Amends section 7 of such act to permit use of appropriated funds for additional activities undertaken in the distribution of donated commodities.

Section 7(a).—Amends section 10 of the National School Lunch Act of 1966 to authorize the Secretary to prescribe terms and conditions respecting the use of commodities donated under section 32 of the act of August 24, 1936, or section 416 of the Agricultural Act of 1949, to maximize the nutritional and financial contributions such donated commodities will make.

Section 7(b).—Amends section 10 of the Child Nutrition Act of 1966 to permit the Secretary to make regulations to carry out the National School Lunch Act. These regulations may include requirements with respect to the service of food in competition with programs authorized under the two acts. Such regulations may also provide for interchange of funds by a State between programs authorized under the two acts on the basis of an approved State plan of operation and may provide for the reserve from the apportionments to the State of not to exceed 1 percent of available funds for special development projects.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

NATIONAL SCHOOL LUNCH ACT

AN ACT To provide assistance to the States in the establishment, maintenance, operation, and expansion of school-lunch programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National School Lunch Act."

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the

States, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation, and expansion of nonprofit school-lunch programs.

APPROPRIATIONS AUTHORIZED

SEC. 3. For each fiscal year there is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Secretary of Agriculture (hereinafter referred to as "the Secretary") to carry out the provisions of this Act, other than sections 11 and 13. *Appropriations to carry out the provisions of this Act and of the Child Nutrition Act of 1966 for any fiscal year are authorized to be made a year in advance of the beginning of the fiscal year in which the funds will become available for disbursement to the States.*

APPORTIONMENTS TO STATES

SEC. 4. The sums appropriated for any fiscal year pursuant to the authorization contained in section 3 of this Act, excluding the sum specified in section 5, shall be available to the Secretary for supplying agricultural commodities and other foods for the program in accordance with the provisions of this Act. The Secretary shall apportion among the States during each fiscal year not less than 75 per centum of the funds made available for such year for supplying agricultural commodities and other foods under the provisions of section 3 of this Act. Apportionment among the States shall be made upon the basis of two factors: (1) the participation rate for the State, and (2) the assistance need rate for the State. The amount of apportionment to any State shall be determined by the following method: First, determine an index for the State by multiplying factors (1) and (2); second, divide this index by the sum of the indices for all the States (exclusive of American Samoa and the Trust Territory of the Pacific Islands for periods ending before July 1, 1967); and third, apply the figure thus obtained to the total funds to be apportioned. If any State cannot utilize all funds so apportioned to it, or if additional funds are made available under section 3 for apportionment among the States, the Secretary shall make further apportionments to the remaining States in the same manner. Notwithstanding the foregoing provisions of this section, (1) for the fiscal year beginning July 1, 1962, three-quarters of any funds available for apportionment among the States shall be apportioned in the manner used prior to such fiscal year, and one-quarter of any such funds shall be apportioned in accordance with the foregoing sentences of this section, (2) for the fiscal year beginning July 1, 1963, one-half of any funds available for apportionment among the States shall be apportioned in the manner used prior to the fiscal year beginning July 1, 1962, and one-half of any such funds shall be apportioned in accordance with the foregoing sentences of this section, (3) for the fiscal year beginning July 1, 1964, one-quarter of any funds available for apportionment among the States shall be apportioned in the manner used prior to the fiscal year beginning July 1, 1962, and three-quarters of any such funds shall be apportioned in accordance with the foregoing sentences of this section, and (4) for the five fiscal years in the period beginning July 1, 1962, and ending June 30, 1967, the amount apportioned to American Samoa and the Trust Territory of the Pacific

Islands shall be \$25,000 each year, which amount shall be first deducted from the funds available for apportionment in determining the amounts to be apportioned to the other States.

NONFOOD ASSISTANCE

SEC. 5. Of the sums appropriated for any fiscal year pursuant to the authorization contained in section 3 of the Act, \$10,000,000 shall be available to the Secretary for the purpose of providing, during such fiscal year, nonfood assistance for the school-lunch program pursuant to the provisions of this Act. The Secretary shall apportion among the States during each fiscal year the aforesaid sum of \$10,000,000, and such apportionment among the States shall be on the basis of the factors, and in accordance with the standards set forth in section 4 with respect to the apportionment for agricultural commodities and other foods.

DIRECT FEDERAL EXPENDITURES

SEC. 6. [The funds appropriated for any fiscal year for carrying out the provisions of this Act, except section 13 less not to exceed 3½ per centum thereof hereby made available to the Secretary for his administrative expenses, less the amount apportioned by him pursuant to sections 4, 5, and 10, and less the amount appropriated pursuant to section 11, shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools participating in the school-lunch program under this Act in accordance with the needs as determined by the local school authorities.] *The funds appropriated directly or by transfer from other accounts for any fiscal year for carrying out the provisions of this Act, and for carrying out the provisions of the Child Nutrition Act of 1966, other than section 3 thereof, less not to exceed 3½ per centum thereof which per centum is hereby made available to the Secretary for his administrative expenses under this Act and under the Child Nutrition Act of 1966, less the amount apportioned by him pursuant to sections 4, 5, and 10 of this Act less the amount appropriated pursuant to section 11 and section 13 of this Act and sections 4, 5, and 7 of the Child Nutrition Act, and less not to exceed 1 per centum of the funds appropriated for carrying out the programs under this Act and the programs under the Child Nutrition Act of 1966 other than section 3 which per centum is hereby made available to the Secretary to supplement the nutritional benefits of these programs through grants to States and other means for nutritional training and education for workers, cooperators and participants in these programs and for necessary surveys and studies of requirements for food service programs in furtherance of the purposes expressed in section 2 of this Act and section 2 of the Child Nutrition Act of 1966, shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools and service institutions participating in the food service programs under this Act and under the Child Nutrition Act in accordance with the needs as determined by the local school and service institution authorities. The provisions of law contained in the proviso of the Act of June 28, 1937 (50 Stat. 323), facilitating operations with respect to the purchase and disposition of surplus agricultural commodities under section 32 of the Act*

approved August 24, 1935 (49 Stat. 774), as amended, shall, to the extent not inconsistent with the provisions of this Act, also be applicable to expenditures of funds by the Secretary under this Act.

PAYMENTS TO STATES

SEC. 7. Funds apportioned to any State pursuant to section 4 or 5 during any fiscal year shall be available for payment to such State for disbursement by the State educational agency, in accordance with such agreements not inconsistent with the provisions of this Act, as may be entered into by the Secretary and such State educational agency, for the purpose of assisting schools of that State during such fiscal year, in supplying (1) agricultural commodities and other foods for consumption by children and (2) nonfood assistance in furtherance of the school lunch program authorized under this Act. Such payments to any State in any fiscal year during the period 1947 to 1950, inclusive, shall be made upon condition that each dollar thereof will be matched during such year by \$1 from sources within the State determined by the Secretary to have been expended in connection with the school-lunch program under this Act. Such payments in any fiscal year during the period 1951 to 1955, inclusive, shall be made upon condition that each dollar thereof will be so matched by one and one-half dollars; and for any fiscal year thereafter, such payments shall be made upon condition that each dollar will be so matched by \$3. In the case of any State whose per capita income is less than the per capita income of the United States, the matching required for any fiscal year shall be decreased by the percentage which the State per capita income is below the per capita income of the United States. For the purpose of determining whether the matching requirements of this section and section 10, respectively, have been met, the reasonable value of donated services, supplies, facilities, and equipment as certified, respectively, by the State educational agency and in case of schools receiving funds pursuant to section 10, by such schools (but not the cost or value of land, of the acquisition, construction, or alteration of buildings of commodities donated by the Secretary, or of Federal contributions), may be regarded as funds from sources within the State expended in connection with the school lunch program. *For each of the two fiscal years beginning July 1, 1970, State tax revenues appropriated or utilized specifically for program purposes in the schools or to defray the cost of intrastate distribution of federally-donated commodities to the schools shall equal at least 4 per centum of the matching requirement; for each of the two succeeding fiscal years, at least 6 per centum of the matching requirement; for each of the subsequent succeeding two years, at least 8 per centum of the matching requirement; and for each fiscal year thereafter, at least 10 per centum of the matching requirement.* The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under this section and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified.

STATE DISBURSEMENT TO SCHOOLS

SEC. 8. Funds paid to any State during any fiscal year pursuant to sections 4 and 5 shall be disbursed by the State educational agency

in accordance with such agreements approved by the Secretary as may be entered into by such State agency and the schools in the State, to those schools in the State which the State educational agency, taking into account need and attendance, determines are eligible to participate in the school-lunch program. Such disbursement to any school shall be made only for the purpose of reimbursing it for the cost of obtaining agricultural commodities and other foods for consumption by children in the school-lunch program and nonfood assistance in connection with such program. Such food costs may include, in addition to the purchase price of agricultural commodities and other foods, the cost of processing, distributing, transporting, storing, or handling thereof. In no event shall such disbursement for food to any school for any fiscal year exceed an amount determined by multiplying the number of lunches served in the school in the school-lunch program under this Act during such year by the maximum Federal food-cost contribution rate for the State, for the type of lunch served, as prescribed by the Secretary.

NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

SEC. 9. Lunches served by schools participating in the school-lunch program under this Act shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research; except that such minimum nutritional requirements shall not be construed to prohibit the substitution of foods to accommodate the medical or other special dietary needs of individual students. Such meals shall be served without cost or at a reduced cost to children who are determined by local school authorities to be unable to pay the full cost of the lunch. *Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably, on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions.* No physical segregation of or other discrimination against any child shall be made by the school because of his inability to pay *nor shall there be any overt identification of any such child by means such as special tokens or tickets or by announced or published lists of names.* School-lunch programs under this Act shall be operated on a nonprofit basis. Each school shall, insofar as practicable, utilize in its lunch program commodities designated from time to time by the Secretary as being in abundance, either nationally or in the school area, or commodities donated by the Secretary. Commodities purchased under the authority of section 32 of the Act of August 24, 1935 (49 Stat. 774), as amended, may be donated by the Secretary to schools, in accordance with the needs as determined by local school authorities, for utilization in the school-lunch program under this Act as well as to other schools carrying out nonprofit school-lunch programs and institutions authorized to receive such commodities. *The Secretary is authorized to prescribe terms and conditions respecting the use of commodities donated under said section 32 and section 416 of the Agricultural Act of 1949 as will maximize the nutritional and financial contributions of such donated commodities in schools receiving such commodities.*

NONPROFIT PRIVATE SCHOOLS

SEC. 10. If, in any State, the State educational agency is not permitted by law to disburse the funds paid to it under this Act to nonprofit private schools in the State, or is not permitted by law to match Federal funds made available for use by such nonprofit private schools, the Secretary shall withhold from the funds apportioned to any such State under sections 4 and 5 of this Act an amount which bears the same ratio to such funds as the number of lunches, consisting of a combination of foods and meeting the minimum requirements prescribed by the Secretary pursuant to section 9, served in the **【preceding fiscal year】** *latest completed program year immediately prior to the fiscal year in which the Federal appropriation is requested* by all nonprofit private schools participating in the program under this Act within the State, as determined by the Secretary, bears to the participation rate for the State. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within said State for the same purposes and subject to the same conditions as are authorized or required with respect to the disbursement to schools within the State by the State educational agency, including the requirement that any such payment or payments shall be matched, in the proportion specified in section 7 for such State, by funds from sources within the State expended by nonprofit private schools within the State participating in the school-lunch program under this Act. Such funds shall not be considered a part of the funds constituting the matching funds under the terms of section 7.

SPECIAL ASSISTANCE

SEC. 11. (a) There is hereby authorized to be appropriated \$10,000,000 for the fiscal year ending June 30, 1963, and such sums as may be necessary for each succeeding fiscal year to provide special assistance to schools drawing attendance from areas in which poor economic conditions exist, for the purpose of helping such schools to meet the requirement of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches.

(b) Of the sums appropriated pursuant to this section for any fiscal year, 3 per centum shall be available for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa *and the Trust Territory of the Pacific Islands*. From the funds so available the Secretary shall apportion to each such State an amount which bears the same ratio to the total of such funds as the number of free or reduced-price lunches served in accordance with section 9 of this Act in such State in the preceding fiscal year bears to the total number of such free or reduced-price lunches served in all such States in the preceding fiscal year: *Provided*, That for the fiscal year ending June 30, 1963, \$5,000 shall be apportioned to American Samoa *and the Trust Territory of the Pacific Islands*, which amount shall be first deducted from the total amount available for apportionment under this subsection. If any such State cannot utilize for the purposes of this section all of the funds apportioned to it the Secretary shall make further apportionment on the same basis as the initial apportionment to any such States which justify the need for additional funds for such purposes.

(c) Of the remaining sums appropriated pursuant to this section for any fiscal year, not less than 50 per centum shall be apportioned

among States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa *and the Trust Territory of the Pacific Islands*, on the basis of the following factors for each State: (1) the number of free or reduced-price lunches served in accordance with section 9 of this Act in the preceding fiscal year, and (2) the assistance need rate. These factors shall be applied in the following manner: First, determine an index for each State by multiplying factors (1) and (2); second, divide this index by the sum of the indices for all such States; and third, apply the figure thus obtained to the total funds to be apportioned. Any funds so initially apportioned which cannot be used for the purpose of this section by the State to which apportioned, together with the remainder of the funds available under this subsection, shall be further apportioned by the Secretary on the same basis as the initial apportionment to such States which justify on the basis of operating experience the need for additional funds to meet the need of students in such States for free or reduce-priced lunches in schools deemed eligible by their State educational agencies for special assistance in accordance with the factors set forth in subsection (e) of this section.

(d) Payment of the funds apportioned to any State under this section shall be made as provided in the last sentence of section 7 of the Act.

(e) Funds paid to any State during any fiscal year pursuant to this section shall be disbursed to selected schools in such State to assist such schools in the purchase of agricultural commodities and other foods. The selection of schools and the amounts of funds that each shall from time to time receive (within a maximum per lunch amount established by the Secretary for all the States) shall be determined by the State educational agency on the basis of the following factors: (1) The economic condition of the area from which such schools draw attendance; (2) the needs of pupils in such schools for free or reduced-price lunches; (3) the percentages of free and reduced-price lunches being served in such schools to their pupils; (4) the prevailing price of lunches in such schools as compared with the average prevailing price of lunches served in the State under this Act; and (5) the need of such schools for additional assistance as reflected by the financial position of the school lunch programs in such schools.

(f) If in any State the State educational agency is not permitted by law to disburse funds paid to it under this Act to nonprofit private schools in the State, the Secretary shall withhold from the funds apportioned to such State under subsections (b) or (c) of this section an amount which bears the same ratio to such funds as the number of free and reduced-price lunches served in accordance with section 9 of this Act in the preceding fiscal year by all nonprofit private schools participating in the program under this Act in such State bears to the number of such free and reduced-price lunches served during such year by all schools participating in the program under this Act in such State. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within such State for the same purposes and subject to the same conditions as are applicable to a State educational agency disbursing funds under this section.

(g) In carrying out this section, the terms and conditions governing the operation of the school-lunch program set forth in other sections of this Act, including those applicable to funds apportioned or paid

pursuant to section 4 or 5 but excluding the provisions of section 7 relating to matching, shall be applicable to the extent they are not inconsistent with the express requirements of this section.

MISCELLANEOUS PROVISIONS AND DEFINITIONS

SEC. 12. (a) States, State educational agencies, and schools participating in the school-lunch program under this Act shall keep such accounts and records as may be necessary to enable the Secretary to determine whether the provisions of this Act are being complied with. Such accounts and records shall at all times be available for inspection and audit by representatives of the Secretary and shall be preserved for such period of time, not in excess of five years, as the Secretary determines is necessary.

(b) The Secretary shall incorporate, in his agreements with the State educational agencies, the express requirements under this Act with respect to the operation of the school-lunch program under this Act insofar as they may be applicable and such other provisions as in his opinion are reasonably necessary or appropriate to effectuate the purpose of this Act.

(c) In carrying out the provisions of this Act, neither the Secretary nor the State shall impose any requirement with respect to teaching personnel, curriculum, instruction, methods of instruction, and materials of instruction in any school.

(d) For the purposes of this Act—

(1) "State" means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, [or] American Samoa or the Trust Territory of the Pacific Islands.

(2) "State educational agency" means, as the State legislature may determine, (A) the chief State school officer (such as the State Superintendent of public instruction, commissioner of education, or similar officer), or (B) a board of education controlling the State department of education; except that in the District of Columbia it shall mean the Board of Education.

(3) "Nonprofit private school" means any private school exempt from income tax under section 501(c)(3) of the Internal Revenue Code of 1954.

(4) "Nonfood assistance" means equipment used by schools in storing, preparing, or serving food for school children.

(5) "Participation rate" for a State means a number equal to the number of lunches, consisting of a combination of foods and meeting the minimum requirements prescribed by the Secretary pursuant to section 9, served in the [preceding fiscal year] latest completed program year immediately prior to the fiscal year in which the Federal appropriation is requested by schools participating in the program under this Act in the State, as determined by the Secretary.

(6) "Assistance need rate" (A) in the case of any State having an average annual per capita income equal to or greater than the average annual per capita income for all the States, shall be 5; and (B) in the case of any State having an average annual per capita income less than the average annual per capita income for all the States, shall be the product of 5 and the quotient

obtained by dividing the average annual per capita income for all the States by the average annual per capita income for such State, except that such product may not exceed 9 for any such State. For the purposes of this paragraph (i) the average annual per capita income for any State and for all the States shall be determined by the Secretary on the basis of the average annual per capita income for each State and for all the States for the three most recent years for which such data are available and certified to the Secretary by the Department of Commerce; and (ii) the average annual per capita income for American Samoa and the Trust Territory of the Pacific Islands shall be disregarded in determining the average annual per capita income for all the States for periods ending before July 1, 1967.

(7) "School" means any public or nonprofit private school of high school grade or under and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico.

SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

SEC. 13. (a)(1) There is authorized to be appropriated \$32,000,000 for each of the three fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971, to enable the Secretary to formulate and carry out a pilot program to assist States through grants-in-aid and other means, to initiate, maintain, or expand nonprofit food service programs for children in service institutions. For purposes of this section, the term "service institutions" means private, nonprofit institutions or public institutions, such as child day-care centers, settlement houses, or recreation centers, which provide day care, or other child care where children are not maintained in residence, for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and includes public and private nonprofit institutions providing day care services for handicapped children.

(2) Subject to all the provisions of this section, the term "service institutions" also includes public or private nonprofit institutions that develop special summer programs providing food service similar to that available to children under the National School Lunch or School Breakfast Programs during the school year, including such institutions providing day care services for handicapped children.

(b)(1) Of the funds appropriated for the purposes of this section for any fiscal year, the Secretary shall reserve 2 per centum for apportionment to Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands. Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands shall each be paid an amount which bears the same ratio to the total of such reserved funds as the number of children aged three to seventeen, inclusive, in each bears to the total number of children of such ages in all of them.

(2) From the remainder of the funds appropriated for any fiscal year, the Secretary shall pay to each State such sums as he deems appropriate, but not more than \$50,000, as a basic grant. In addition, the Secretary shall allot to each State from the funds remaining after the basic grants have been made an amount which bears the same ratio

to such remaining funds as the number of children in that State aged three to seventeen, inclusive, in families with incomes of less than \$3,000 per annum bears to the total number of such children in all the States. For the purposes of this paragraph, the term "State" does not include Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(c)(1) Funds paid to any State under this section shall be disbursed by the State educational agency to service institutions, selected on a nondiscriminatory basis by the State educational agency, (A) to reimburse the service institutions for the cost of obtaining agricultural commodities and other foods, and (B) for the purposes of paragraphs (2) and (3) of this subsection. The costs of obtaining agricultural commodities and other foods may include the cost of the processing, distributing, transporting, or handling thereof. Disbursement to participating service institutions shall be made at such rate of reimbursement per meal as the Secretary shall prescribe.

(2) In circumstances of severe need where the rate per meal established by the Secretary is insufficient to carry on an effective feeding program, the Secretary may authorize financial assistance not to exceed 80 per centum of the operating costs of such a program, including the cost of obtaining, preparing, and serving food. In the selection of institutions to receive assistance under this subsection, the State educational agency shall require the applicant institutions to provide justification of the need for such assistance.

(3) Not to exceed 25 per centum of the funds paid to any State may be used by the State to assist service institutions by paying not to exceed 75 per centum of the cost of the purchase or rental of equipment other than land and buildings, for the storage, preparation, transportation, and serving of food to enable the service institutions to establish, maintain, and expand food service under this section.

(d) If in any State the State educational agency is not permitted by law or is otherwise unable to disburse the funds paid to it under this section to any service institution in the State, the Secretary shall withhold all funds apportioned under this section and shall disperse the funds so withheld directly to service institutions in the State for the same purpose and subject to the same conditions as are required of a State educational agency disbursing funds made available under this section.

(e) Notwithstanding the provisions of any other law, balances of funds appropriated for the purposes of this section and unobligated at the end of any fiscal year shall remain available for obligation during the first three months of the following fiscal year.

(f) Service institutions to which funds are disbursed under this section shall serve meals consisting of a combination of foods and meeting minimum nutritional standards prescribed by the Secretary on the basis of tested nutritional research. Such meals shall be served without cost or at a reduced cost to children determined by the service institutions to be unable to pay the full cost. *Such determinations shall be made by the service institution authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions.* In making such determination, service institution authorities should, to the extent

practicable, consult with public welfare and health agencies. No physical segregation or other discrimination against any child shall be made because of his inability to pay *nor shall there be any overt identification of any such child by means such as special tokens or tickets or by announced or published lists of names.*

(g) If any State cannot utilize all funds apportioned to it, or if additional funds are made available for apportionment among the States, under this section, the Secretary shall make further apportionments to the remaining States in the manner prescribed in subsection (b).

(h)(1) The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under this section of the Act and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified.

(2) Each service institution participating under this section shall, insofar as practicable, utilize in its program foods designated from time to time by the Secretary as being in abundance, either nationally or in the institution area, or foods donated by the Secretary. Irrespective of the amount of funds appropriated under this section, foods available under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) or purchased under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), or section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a-1), may be donated by the Secretary to service institutions in accordance with the needs as determined by authorities of these institutions for utilization in their feeding programs.

(3) The value of assistance to children under this section shall not be considered to be income or resources for any purpose under any Federal or State laws, including laws relating to taxation and welfare and public assistance programs. Expenditures of funds from State and local sources for the maintenance of food programs for children shall not be diminished as a result of funds received under this section.

(4) There is hereby authorized to be appropriated for any fiscal year such sums as may be necessary to the Secretary for his administrative expenses under this section.

(5) States, State educational agencies, and service institutions participating in programs under this section shall keep such accounts and records as may be necessary to enable the Secretary to determine whether there has been compliance with this section and the regulations hereunder. Such accounts and records shall at all times be available for inspection and audit by representatives of the Secretary and shall be preserved for such period of time, not in excess of five years, as the Secretary determines is necessary.

CHILD NUTRITION ACT OF 1966

AN ACT To strengthen and expand food service programs for children

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Nutrition Act of 1966".

DECLARATION OF PURPOSE

SEC. 2. In recognition of the demonstrated relationship between food and good nutrition and the capacity of children to develop and learn, based on the years of cumulative successful experience under the national school lunch program with its significant contributions in the field of applied nutrition research it is hereby declared to be the policy of Congress that these efforts shall be extended, expanded, and strengthened under the authority of the Secretary of Agriculture as a measure to safeguard the health and well-being of the Nation's children, and to encourage the domestic consumption of agricultural and other foods, by assisting States, through grants-in-aid and other means, to meet more effectively the nutritional needs of our children.

SPECIAL MILK PROGRAM AUTHORIZATION

SEC. 3. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1967, not to exceed \$110,000,000; for the fiscal year ending June 30, 1968, not to exceed \$115,000,000; and for each of the two succeeding years not to exceed \$120,000,000, to enable the Secretary of Agriculture, under such rules and regulations as he may deem in the public interest, to encourage consumption of fluid milk by children in the United States in (1) nonprofit schools of high school grade and under, and (2) nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children. For the purposes of this section "United States" means the fifty States and the District of Columbia. The Secretary shall administer the special milk program provided for by this section to the maximum extent practicable in the same manner as he administered the special milk program provided for by Public Law 85-478, as amended, during the fiscal year ended June 30, 1966.

SCHOOL BREAKFAST PROGRAM AUTHORIZATION

SEC. 4. (a) There is hereby authorized to be appropriated for the fiscal year 1969, \$6,500,000; and for the fiscal year 1970 not to exceed \$10,000,000; and for the fiscal year 1971 not to exceed \$12,000,000 to carry out a program to assist the States through grants-in-aid and other means to initiate, maintain, or expand nonprofit breakfast programs in schools. Appropriations and expenditures for this Act shall be considered Health, Education, and Welfare functions for budget purposes rather than functions of Agriculture.

APPORTIONMENT TO STATES

(b) Of the funds appropriated for the purposes of this section, the Secretary shall for each fiscal year, (1) apportion \$2,600,000 equally among the States other than Guam, the Virgin Islands, and American Samoa, *and the Trust Territory of the Pacific Islands* and \$45,000 equally among Guam, the Virgin Islands, and American Samoa, and (2) apportion the remainder among the States in accordance with the apportionment formula contained in section 4 of the National School Lunch Act, as amended.

STATE DISBURSEMENT TO SCHOOLS

(c) Funds apportioned and paid to any State for the purpose of this section shall be disbursed by the State educational agency to schools selected by the State educational agency, to reimburse such schools for the cost of obtaining agricultural and other foods for consumption by needy children in a breakfast program and for the purpose of subsection (d). Such food costs may include, in addition to the purchase price, the cost of processing, distributing, transporting, storing, and handling. Disbursement to schools shall be made at such rates per meal or on such other basis as the Secretary shall prescribe. In selecting schools, the State educational agency shall, to the extent practicable, give first consideration to those schools drawing attendance from areas in which poor economic conditions exist and to those schools to which a substantial proportion of the children enrolled must travel long distances daily.

(d) In circumstances of severe need where the rate per meal established by the Secretary is deemed by him insufficient to carry on an effective breakfast program in a school, the Secretary may authorize financial assistance up to 80 per centum of the operating costs of such a program, including costs of obtaining, preparing, and serving food. In the selection of schools to receive assistance under this section, the State educational agency shall require applicant schools to provide justification of the need for such assistance.

NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

(e) Breakfasts served by schools participating in the school breakfast program under this section shall consist of a combination of foods and shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research. Such breakfasts shall be served without cost or at a reduced cost only to children who are determined by local school authorities to be unable to pay the full cost of the breakfast. *Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions.* In making such determinations, such local authorities should, to the extent practicable, consult with public welfare and health agencies. No physical segregation of or other discrimination against any child shall be made by the school because of his inability to pay *nor shall there be any overt identification of any such child by means such as special tokens or tickets or by announced or published lists of names.*

NONPROFIT PRIVATE SCHOOLS

(f) The withholding of funds for and disbursement to nonprofit private schools will be effected in accordance with section 10 of the National School Lunch Act, as amended, exclusive of the matching provisions thereof.

NONFOOD ASSISTANCE PROGRAM AUTHORIZATION

SEC. 5. (a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1967, not to exceed \$12,000,000, for the fiscal year ending June 30, 1968, not to exceed \$15,000,000, for each of the two fiscal years ending June 30, 1969, and June 30, 1970, not to exceed \$18,000,000, and for each fiscal year thereafter such sums as the Congress may hereafter authorize, to enable the Secretary to formulate and carry out a program to assist the States through grants-in-aid and other means to supply schools drawing attendance from areas in which poor economic conditions exist with equipment, other than land or buildings, for the storage, preparation, transportation, and serving of food to enable such schools to establish, maintain, and expand school food service programs. In the case of nonprofit-private schools, such equipment shall be for use of such schools principally in connection with child feeding programs authorized in this Act and in the National School Lunch Act, as amended, and in the event such equipment is no longer so used, that part of such equipment financed with Federal funds, or the residual value thereof, shall revert to the United States.

APPORTIONMENTS TO STATES

(b) The Secretary shall apportion the funds appropriated for the purposes of this section among the States during each fiscal year on the same basis as apportionments are made under section 4 of the National School Lunch Act, as amended, for supplying agricultural and other foods, except that apportionment to American Samoa *and the Trust Territory of the Pacific Islands* for any fiscal year shall be on the same basis as the apportionment to the other States. Payments to any State of funds apportioned for any fiscal year shall be made upon condition that at least one-fourth of the cost of any equipment financed under this subsection shall be borne by State or local funds.

STATE DISBURSEMENT TO SCHOOLS

(c) Funds apportioned and paid to any State for the purpose of this section shall be disbursed by the State educational agency to assist schools, which draw attendance from areas in which poor economic conditions exist and which have no, or grossly inadequate equipment, to conduct a school food service program, and to acquire such equipment *through purchase or rental*. In the selection of schools to receive assistance under this section, the State educational agency shall require applicant schools to provide justification of the need for such assistance and the inability of the school to finance the food service equipment needed. Disbursements to any school may be made, by advances or reimbursements, only after approval by the State educational agency of a request by the school for funds, accompanied by a detailed description of the equipment to be acquired and the plans for the use thereof in effectively meeting the nutritional needs of children in the school.

NONPROFIT PRIVATE SCHOOLS

(d) The withholding of funds for and disbursement to nonprofit private schools will be effected in accordance with section 10 of the National School Lunch Act, as amended, exclusive of the matching provision thereof.

PAYMENTS TO STATES

SEC. 6. The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under sections 3 through 7 of this Act and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified.

STATE ADMINISTRATIVE EXPENSES

SEC. 7. The Secretary may utilize funds appropriated under this section for advances to each State educational agency for use for its administrative expenses *or for the administrative expenses of any other designated State agency* in supervising and giving technical assistance to the local school districts *and service institutions* in their conducting of programs under this Act and under sections 11 and 13 of the National School Lunch Act, Such funds shall be advanced only in amounts and to the extent determined necessary by the Secretary to assist such State agencies in the administration of additional activities undertaken by them under sections 11 and 13 of the National School Lunch Act, as amended, and sections 4 and 5 of this Act *including additional activities undertaken in the distribution of donated commodities*. There are hereby authorized to be appropriated such sums as may be necessary for the purposes of this section.

UTILIZATION OF FOODS

SEC. 8. Each school participating under section 4 of this Act shall, insofar as practicable, utilize in its program foods designated from time to time by the Secretary as being in abundance, either nationally or in the school area, or foods donated by the Secretary. Foods available under section 416 of the Agricultural Act of 1949 (63 Stat. 1058), as amended, or purchased under section 32 of the Act of August 24, 1935 (49 Stat. 774) as amended, or section 709 of the Food and Agriculture Act of 1965 (79 Stat. 1212), may be donated by the Secretary to schools, in accordance with the needs as determined by local school authorities, for utilization in their feeding programs under this Act.

NONPROFIT PROGRAMS

SEC. 9. The food and milk service programs in schools and nonprofit institutions receiving assistance under this Act shall be conducted on a nonprofit basis.

REGULATIONS

SEC. 10. The Secretary shall prescribe such regulations as he may deem necessary to carry out this Act *and the National School Lunch Act, including regulations relating to the service of food in participating*

school and service institutions in competition with the programs authorized under this Act and the National School Lunch Act. In such regulations the Secretary may provide for interchange of funds by any State between the programs authorized under this Act and the National School Lunch Act on the basis of an approved State plan of operation for the use of the funds and may provide for the reserve from the apportionments to the States of not to exceed 1 per centum of available funds for special developmental projects.

PROHIBITIONS

SEC. 11. (a) In carrying out the provisions of sections 3 through 5 of this Act, neither the Secretary nor the State shall impose any requirements with respect to teaching personnel, curriculum, instruction, methods of instruction, and materials of instruction.

(b) The value of assistance to children under this Act shall not be considered to be income or resources for any purpose under any Federal or State laws including, but not limited to, laws relating to taxation, welfare, and public assistance programs. Expenditures of funds from State and local sources for the maintenance of food programs for children shall not be diminished as a result of funds received under this Act.

PRESCHOOL PROGRAMS

SEC. 12. The Secretary may extend the benefits of all school feeding programs conducted and supervised by the Department of Agriculture to include preschool programs operated as part of the school system.

CENTRALIZATION OF ADMINISTRATION

SEC. 13. Authority for the conduct and supervision of Federal programs to assist schools in providing food service programs for children is assigned to the Department of Agriculture. To the extent practicable, other Federal agencies administering programs under which funds are to be provided to schools for such assistance shall transfer such funds to the Department of Agriculture for distribution through the administrative channels and in accordance with the standards established under this Act and the National School Lunch Act.

SEC. 14. There is hereby authorized to be appropriated for any fiscal year such sums as may be necessary to the Secretary for his administrative expense under this Act.

MISCELLANEOUS PROVISIONS AND DEFINITIONS

SEC. 15. For the purposes of this Act—

(a) "State" means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, [or] American Samoa, or the Trust Territory of the Pacific Islands.

(b) "State educational agency" means, as the State legislature may determine, (1) the chief State school officer (such as the State superintendent of public instruction, commissioner of education, or similar officer), or (2) a board of education controlling the State department of education.

(c) "Nonprofit private school" means any private school exempt from income tax under section 501(c)(3) of the Internal Revenue Code of 1954.

(d) "School" means any public or nonprofit private school of high school grade or under, including kindergarten and preschool programs operated by such school and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico.

(e) "Secretary" means the Secretary of Agriculture.

ACCOUNTS AND RECORDS

SEC. 16. States, State educational agencies, schools, and nonprofit institutions participating in programs under this Act shall keep such accounts and records as may be necessary to enable the Secretary to determine whether there has been compliance with this Act and the regulations hereunder. Such accounts and records shall at all times be available for inspection and audit by representatives of the Secretary and shall be preserved for such period of time, not in excess of three years, as the Secretary determines is necessary.

ADDITIONAL VIEWS OF WILLIAM A. STEIGER OF WISCONSIN

The bill (H.R. 515), as approved by the Committee on Education and Labor, is a big step forward in providing adequate nutrition for the Nation's schoolchildren. The language included in the bill grew out of weeks of hearings in 1968, and constitutes a substantial improvement over existing legislation. Of special significance are those sections dealing with free and reduced price lunches, the prohibition against identification of children receiving low-cost meals, authorization for advanced funding, the emphasis on nutritional education and provisions for increased State funding from State tax sources. In sum, H.R. 515 is a good bill, but it could be even better. I want to make it abundantly clear that my comments and amendments are designed to improve the operation of this program.

Much of what I have to say is predicated on the fact that the hearings which led to the present legislation were held nearly 1 year ago. A bill similar to H.R. 515 passed the House on July 1, 1968. Last year's hearings provided excellent information, but that information is now somewhat outdated as a result of recent developments. In 1969 the committee gave only scant attention to this legislation. This, together with the rush to get this bill to the floor for action, limited the time available to the committee to consider modifications and improvements.

Specifically, the budget requests for fiscal 1970 include a substantial shift in program emphasis. Although the total increase in cash payments to the States is only some \$8.2 million, the actual shifting of funds among programs involves some \$111.5 million. This change in emphasis may well be desirable. The important point to be made is that little or no consideration has been given by the committee to the impact of these changes upon the acts amended by H.R. 515.

On the basis of these and other factors, I propose that the bill be amended to provide a more rational approach to increasing the State contribution, to strengthen the educational aspects of our nutrition programs, to build in an evaluation mechanism and authorize greater coordination between agencies providing nutrition benefits in our educational system.

Increasing the State contribution

H.R. 515 provides for a mandatory series of increases in State contributions to the program reaching 10 percent in fiscal 1976. These additional funds are to come from State tax sources, specifically appropriated or utilized for this program; the intent being to avoid the past practice in some States of merely increasing the price of the lunches to the children to make up the State share of the costs.

This section, I believe, should be amended to provide incentives for the States both to accept the increased burden by authorizing a matching increase in the Federal contribution of commodities to the

States as well as insuring that the increased funds are used to expand the program to serve those schools which serve children from low-income families. The mandatory increase in costs to the States may well serve to force some States to simply drop out of the program. If a State does drop out, those who suffer most will be those children the program was designed to benefit.

At present, the extent to which individual States contribute to the costs of the program varies widely. In Louisiana, the State pays approximately 36 percent of the costs, while in most States the State contribution is far smaller, often less than 1 percent. The portion of the costs borne by the children themselves varies just as widely, with children forced to pay 100 percent in at least one State and well over 90 percent in many others. Requiring the States to assume an additional share in the years ahead is a desirable goal. My amendment is designed to encourage States to improve their programs while insuring that no State will drop their school lunch program because of the strain on already limited tax resources.

In addition, my amendment would provide matching contributions of commodities by the Federal Government for those States which make a special effort to reach children from low-income families. In the past, the school lunch program has been criticized because of a failure to concentrate the program in those areas where the need is greatest. H.R. 515 as approved by the committee does help to insure that within each school, free or reduced price lunches will go to those whose need is greatest without identification. My amendment will provide an incentive, with the new funds to help the States improve their efforts in schools where the need is greatest.

Of the 22,000 school districts in the country, nearly all have some form of lunch program. But of the 100,000 separate schools, only about 75,000 actually participate. In other words, a number of States and districts have been negligent in getting the services to those schools with substantial need. They have not made the special effort to get lunch programs established in low-income areas which lack either the initiative or the resources to participate.

"Their Daily Bread: A Study of the National School Lunch Program" pointed up the fact that many of the schools which are not participating are those where the need is greatest. "Cleveland, Ohio: All 136 elementary schools in the city are excluded from the school lunch program; 60 percent of Cleveland's schoolchildren attend schools without lunch facilities."

"Detroit, Mich.: Only 79 out of 224 elementary schools participate in the school lunch program. Of those not participating for lack of facilities, 78 are located in the slums." (p. 52)

This situation is repeated in communities all across the Nation. At present the Department of Agriculture is making an effort to provide food service facilities for those schools which do not now have them. In addition, six pilot projects have been initiated which will allow schools to contract with private firms (under carefully specified conditions) to provide meals. But these efforts at the Federal level will not be enough without corresponding effort at the State and local level. The amendment will provide incentive grants to the States, in the form of commodities, to encourage the concentration of effort in school districts with large numbers of low-income families.

Program coordination and evaluation

One of the problems with the existing school lunch program is pointed up by the increasing reliance of school districts upon title I funds from the Elementary and Secondary Education Act for the provision of food services which should be, but are not, available under the school lunch program. Approximately \$34 million of title I funds are now being expended annually for food and nutritional programs. Ideally these funds could be used for other educational programs for the disadvantaged, but school administrators have discovered that children cannot learn, no matter how effective the educational program, if they suffer from hunger and malnutrition.

The fact is that ESEA funds as well as money from the School Lunch Act are being spent to feed school children by both the Department of Agriculture and Department of Health, Education, and Welfare. At the present time there is no coordination between these two independent operations although they provide nearly identical services to the same categories of children.

A vital component of the food programs is the opportunity they afford to improve the food habits of our Nation's young people by education about nutrition. The National Nutrition Survey now underway in the Public Health Service of HEW indicated that a substantial obstacle to an adequate diet for all Americans is the lack of basic knowledge about what constitutes a nutritional diet. The school lunch program as operated in the past has not done an effective job of emphasizing the educational aspects of the program, in spite of the policy statements that this is a major goal of the program.

Finally, in spite of the hearings last year, we are not yet equipped to do an effective evaluation of the school lunch program. The present statutes provide no mechanism by which we can measure the impact of this program on the health or nutritional needs of those being served. The evidence we do have, as mentioned above, points to a failure of the program, in many cases, to reach those who most need it. Given the suggested changes in the budget and the expected passage of H.R. 515, I believe it is essential that we create a means for evaluating the program so that in the years ahead we can review it in terms of its educational and nutritional aspects.

Thus, an amendment I intend to offer would insure cooperation between the Secretaries of Health, Education, and Welfare and Agriculture to : (1) make available to the Department of Agriculture the knowledge now in HEW about the state of the Nation's health and nutritional needs, in order to provide for more realistic program evaluation; (2) make available to those administering the school lunch program sufficient expertise to insure a proper emphasis on the educational benefits of the program; and (3) make abundantly clear the desire of the Congress that the agencies expending funds under title I of ESEA and the School Lunch Act work together to insure benefits for all who qualify while keeping duplication of effort to a minimum.

By adopting the amendments I intend to offer on the floor when this bill is considered by the House, H.R. 515 can be further strengthened and improved.

WILLIAM A. STEIGER,
Member of Congress.

91ST CONGRESS
1ST SESSION

H. R. 515

[Report No. 91-81]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1969

Mr. PERKINS introduced the following bill; which was referred to the Committee on Education and Labor

MARCH 17, 1969

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That—

4 FREE AND REDUCED-PRICE MEALS

5 (a) Section 9 of the National School Lunch Act (42
6 U.S.C. 1751) and section 4 (e) of the Child Nutrition

1 Act of 1966 (42 U.S.C. 1771) are each amended by
2 inserting after the second sentence, a new sentence: "Such
3 determinations shall be made by local school authorities in
4 accordance with a publicly announced policy and plan
5 applied equitably on the basis of criteria which, as a
6 minimum, shall include the level of family income, including
7 welfare grants, the number in the family unit, and the
8 number of children in the family unit attending school or
9 service institutions."

10 (b) Section 9 of the National School Lunch Act is
11 further amended by inserting before the period at the end
12 of the former third sentence, and section 4 (e) of the
13 Child Nutrition Act of 1966 and section 13 (f) of the
14 National School Lunch Act are further amended by in-
15 serting before the period at the end of the former fourth
16 sentences of each the following: "nor shall there be any
17 overt identification of any such child by means such as
18 special tokens or tickets or by announced or published lists
19 of names".

20 (c) Section 13 (f) of the National School Lunch Act is
21 amended by inserting after the second sentence, a new sen-
22 tence: "Such determinations shall be made by the service
23 institution authorities in accordance with a publicly an-
24 nounced policy and plan applied equitably on the basis of
25 criteria which, as a minimum, shall include the level of family

1 income, including welfare grants, the number in the family
2 unit, and the number of children in the family unit attending
3 school or service institutions.”

4 APPROPRIATION AND MATCHING

5 SEC. 2. (a) Section 3 of the National School Lunch Act
6 is amended by inserting at the end thereof: “Appropriations
7 to carry out the provisions of this Act and of the Child
8 Nutrition Act of 1966 for any fiscal year are authorized to be
9 made a year in advance of the beginning of the fiscal year in
10 which the funds will become available for disbursement to
11 the States.”

12 (b) Section 7 of the National School Lunch Act is
13 amended by inserting immediately before the last sentence
14 of the section the following:

15 “For each of the two fiscal years beginning July 1, 1970,
16 State tax revenues appropriated *or utilized* specifically ~~for use~~
17 for program purposes in the schools or to defray the cost of
18 intrastate distribution of federally-donated commodities to the
19 schools shall equal at least 4 per centum of the matching re-
20 quirement; for each of the two succeeding fiscal years, at
21 least 6 per centum of the matching requirement; for each of
22 the subsequent succeeding two years, at least 8 per centum
23 of the matching requirement; and for each fiscal year there-
24 after, at least 10 per centum of the matching requirement.”

25 (c) The first sentence of section 10 and section 12 (d)

1 (5) of the National School Lunch Act are amended by
2 striking the words "preceding fiscal year" and inserting in
3 lieu thereof the following: "latest completed program year
4 immediately prior to the fiscal year in which the Federal
5 appropriation is requested".

6 NUTRITION TRAINING AND EDUCATION

7 SEC. 3. Section 6 of the National School Lunch Act
8 (42 U.S.C. 1755) is amended by striking the entire first
9 sentence and inserting in lieu thereof the following: "The
10 funds appropriated directly or by transfer from other ac-
11 counts for any fiscal year for carrying out the provisions
12 of this Act, and for carrying out the provisions of the Child
13 Nutrition Act of 1966, other than section 3 thereof, less not
14 to exceed $3\frac{1}{2}$ per centum thereof which per centum is hereby
15 made available to the Secretary for his administrative ex-
16 penses under this Act and under the Child Nutrition Act
17 of 1966, less the amount apportioned by him pursuant to
18 sections 4, 5, and 10 of this Act less the amount appro-
19 priated pursuant to section 11 and section 13 of this Act
20 and sections 4, 5, and 7 of the Child Nutrition Act, and
21 less not to exceed 1 per centum of the funds appropriated
22 for carrying out the programs under this Act and the pro-
23 grams under the Child Nutrition Act of 1966 other than
24 section 3 which per centum is hereby made available to the
25 Secretary to supplement the nutritional benefits of these

1 programs through grants to States and other means for nu-
2 tritional training and education for workers, cooperators, and
3 participants in these programs and for necessary surveys
4 and studies of requirements for food service programs in
5 furtherance of the purposes expressed in section 2 of this Act
6 and section 2 of the Child Nutrition Act of 1966, shall be
7 available to the Secretary during such year for direct ex-
8 penditure by him for agricultural commodities and other
9 foods to be distributed among the States and schools and
10 service institutions participating in the food service programs
11 under this Act and under the Child Nutrition Act in accord-
12 ance with the needs as determined by the local school and
13 service institution authorities.”

14 INCLUSION OF TRUST TERRITORY

15 SEC. 4. (a) Section 12 (d) (1) of the National School
16 Lunch Act is amended by striking the word “or” that
17 precedes the term “American Samoa” and by adding at the
18 end of the sentence the following: “or the Trust Territory
19 of the Pacific Islands.”

20 (b) Section 15 (a) of the Child Nutrition Act of 1966
21 is amended by striking the word “or” that precedes the term
22 “American Samoa” and by adding at the end of the sentence
23 the following: “or the Trust Territory of the Pacific Islands”.

24 (c) The National School Lunch Act and Child Nutri-
25 tion Act of 1966 are amended by inserting the phrase, “and

1 the Trust Territory of the Pacific Islands” after the term
 2 “American Samoa” wherever that term appears in such
 3 Acts other than in the sections amended by subsection (a)
 4 and (b) of this section and other than the proviso in section
 5 11 (b) and in section 4 of the National School Lunch Act.

6 EQUIPMENT RENTAL

7 SEC. 5. Section 5 (c) of the Child Nutrition Act of 1966
 8 is amended by striking the period at the end of the first
 9 sentence and inserting at the end thereof “through purchase
 10 or rental.”

11 STATE ADMINISTRATIVE EXPENSES

12 SEC. 6. (a) Section 7 of the Child Nutrition Act of 1966
 13 is amended by inserting in the first sentence following the
 14 phrase “its administrative expenses”, the following: “or for
 15 the administrative expenses of any other designated State
 16 agency”, and by inserting after the phrase “the local school
 17 districts”, the words “and service institutions”.

18 (b) Section 7 of the Child Nutrition Act of 1966 is
 19 further amended by inserting at the end of the second
 20 sentence the following: “including additional activities under-
 21 taken in the distribution of donated commodities.”

22 REGULATIONS

23 SEC. 7. (a) Section 9 of the National School Lunch Act
 24 is amended by inserting at the end thereof a new sentence:
 25 “The Secretary is authorized to prescribe terms and condi-

1 tions respecting the use of commodities donated under said
2 section 32 and section 416 of the Agricultural Act of 1949
3 as will maximize the nutritional and financial contributions
4 of such donated commodities in schools receiving such
5 commodities.”

6 (b) Section 10 of the Child Nutrition Act of 1966 is
7 amended by striking the period at the end thereof and insert-
8 ing the following: “and the National School Lunch Act,
9 including regulations relating to the service of food in partici-
10 pating school and service institutions in competition with the
11 programs authorized under this Act and the National School
12 Lunch Act. In such regulations the Secretary may provide
13 for interchange of funds by any State between the programs
14 authorized under this Act and the National School Lunch
15 Act on the basis of an approved State plan of operation for
16 the use of the funds and may provide for the reserve from
17 the apportionments to the States of not to exceed 1 per
18 centum of available funds for special developmental projects.”

91ST CONGRESS
1ST SESSION

H. R. 515

[Report No. 91-81]

A BILL

To amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions.

By Mr. PERKINS

JANUARY 3, 1969

Referred to the Committee on Education and Labor

MARCH 17, 1969

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued March 20, 1969
For actions of March 19, 1969
91st-1st. No. 48

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HIGHLIGHTS: House Rules Committee cleared bill to provide free and reduced price meals for needy children. Senate committee voted to report Paarlberg nomination to CCC Board of Directors. House passed bill to increase public debt limit.

HOUSE

1. CHILD NUTRITION. The Rules Committee reported a resolution for the consideration of H. R. 515, to provide free and reduced-price meals for needy children. p. H1943
2. DEBT CEILING. Passed, 313-93, without amendment H. R. 8508, to increase the permanent debt ceiling to \$365 billion and to permit a temporary additional

increase of \$12 billion through June 30, 1970. A motion by Rep. Smith, Calif., to recommit the bill, was rejected. pp. H1870-97

3. DOMESTIC PROGRAMS. Rep. Patman inserted statements by AFL-CIO Councils stating that "the impact of spiraling interest rates and the monetary policies of the Federal Government pose a real threat to home-building," and that the Executive Council "supports full and adequate funding of all programs whose goals are the social progress of all Americans." pp. H1917-18
4. SUPERGRADES. Received from the Civil Service Commission a proposed bill to amend title 5, U. S. Code, to provide for additional positions in grades GS-16, GS-17, and GS-18; to Post Office and Civil Service Committee. p. H1943
5. TRADING STAMPS. Rep. Wolff stated that a leading trading stamp company "acknowledged...trading stamps add 2 percent to food costs" and called for speedy congressional action on his truth-in-trading stamps bill. pp. H1898-9
6. POLLUTION. Rep. Staggers expressed growing concern for meeting environmental contamination problems and inserted a speech, "Signposts of Progress in Conserving the Natural Environment." pp. H1913-5
7. LEGISLATIVE PROGRAM. The "Daily Digest" states that on Thurs. the House will consider H. R. 515, to provide free and reduced-price meals for needy children. p. D202

SENATE

8. NOMINATIONS. The Agriculture and Forestry Committee voted to report (but did not actually report) the nomination of Don Paarlberg to be a member of the Board of Directors of the CCC. p. D200

EXTENSION OF REMARKS

9. TOBACCO. Rep. Preyer, N. C., inserted an editorial which he called a "cool analysis" of cigarette advertising. p. E2162
Reps. Montgomery and Rodino inserted articles opposing FCC's proposed ban on televised advertising of cigarettes. pp. E2165, E2166
10. BUDGET. Rep. Bow inserted recommendations by the Council of State Chambers of Commerce and the American Farm Bureau Federation for cutting the 1970 Federal budget. pp. E2172-4
11. LUMBER PRICES. Rep. Wyatt inserted an article by the chairman of the board of the Georgia Pacific Corporation which stated that "recent price increases shared by plywood, lumber and federal timber through competitive bidding in the market place 'have been blown out of perspective by panic reaction,' a major forest industry spokesman declared today." p. E2186
Rep. Wyatt inserted an article pointing out the "deleterious effects" of the lumber "price squeeze." pp. E2204-5

Progress, and the Urban Coalition will continue to work with the government to improve this coordination.

We have emphasized that "unemployed" does not equal "unemployable" in most cases. A vast number of the hardcore unemployed are highly employable by objective standards. There remains, nevertheless, a residue of physically, or otherwise severely handicapped persons who are largely unemployable. It is unlikely that business can significantly aid this small percentage. The federal and state governments must undertake to help these persons if their lot is to be improved. We hope that they will not be forgotten while the country works to improve the employment of others.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. FOLEY (at the request of Mr. CAREY), for March 20 and 21, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. STAGGERS, for 5 minutes, today; and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. BUSH) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. HALPERN, for 5 minutes, on March 20.

Mr. FISH, for 30 minutes, on March 26.

Mr. HALPERN, for 5 minutes, today.

Mr. FEIGHAN (at the request of Mr. SYMINGTON), for 30 minutes, on March 20; to revise and extend his remarks and to include extraneous matter.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

Mr. ZABLOCKI in two instances and to include extraneous matter.

(The following Members (at the request of Mr. BUSH) and to include extraneous matter:)

Mr. PETTIS in two instances.

Mr. SPRINGER.

Mr. ASHBROOK.

Mr. RHODES in five instances.

Mr. PELLY.

Mr. FINDLEY.

Mr. FREY.

Mr. WYMAN in two instances.

Mr. MILLER of Ohio.

Mr. BROCK.

Mr. BROTZMAN.

Mr. BOW.

Mr. ANDREWS of North Dakota.

Mr. WINN.

Mr. GUDE.

Mr. MIZELL.

Mr. MORSE.

Mr. BROYHILL of Virginia in two instances.

(The following Members (at the request of Mr. SYMINGTON) to extend their remarks and to include additional matter in that section of the RECORD entitled "Extensions of Remarks":)

Mr. GARMATZ.

Mr. KYROS in two instances.

Mr. RARICK in four instances.

Mr. CASEY in two instances.

Mr. REES in two instances.

Mr. CORMAN.

Mr. RODINO.

Mr. PODELL in three instances.

Mr. EILBERG.

Mr. BARING.

Mr. LEGGETT.

Mr. FASCELL.

Mr. PREYER of North Carolina in two instances.

Mr. BEVILL in three instances.

Mr. O'NEILL of Massachusetts in three instances.

Mr. GALLAGHER.

Mr. FRASER.

Mr. BROWN of California.

Mr. PICKLE in two instances.

Mr. WILLIAM D. FORD in two instances.

Mr. Celler.

Mr. GREEN of Pennsylvania in four instances.

Mr. MONTGOMERY.

Mr. ROGERS of Florida in five instances.

Mr. BRADEMAS in six instances.

Mr. JACOBS.

Mr. GONZALEZ in three instances.

Mr. HELSTOSKI in six instances.

Mr. VANIK in two instances.

Mr. EDWARDS of California.

ADJOURNMENT

Mr. SYMINGTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 18 minutes p.m.), the House adjourned until tomorrow, Thursday, March 20, 1969, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

598. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the Council of Economic Advisers for "Salaries and expenses," for the fiscal year 1969, has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665); to the Committee on Appropriations.

599. A letter from the Comptroller General of the United States, transmitting a report on control over repairs of electronic components and assemblies, Department of the Navy; to the Committee on Government Operations.

600. A letter from the Chairman, Civil Service Commission, transmitting a draft of proposed legislation to amend title 5, United States Code, to provide for additional positions in grades GS-16, GS-17, and GS-18; to the Committee on Post Office and Civil Service.

601. A letter from the Secretary of Health, Education, and Welfare, transmitting an annual report for 1968 on the advisory committees which assist him in carrying out his functions under the Social Security Act, pursuant to the provisions of section 1114(f) of that act, as amended by Public Law 87-543; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. O'NEILL of Massachusetts: Committee on Rules. House Resolution 330. Resolution providing for the consideration of H.R. 515, a bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to strengthen program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions (Rept. No. 91-107). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FEIGHAN: Committee on the Judiciary. H.R. 2464. A bill for the relief of Elisabeth Horwath, with amendment (Rept. No. 91-102). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 4546. A bill for the relief of Anna Del Baglivo, with amendment (Rept. No. 91-103). Referred to the Committee of the Whole House.

Mr. CAHILL: Committee on the Judiciary. H.R. 6366. A bill for the relief of Mrs. Aranka Minko, with amendment (Rept. No. 91-104). Referred to the Committee of the Whole House.

Mr. MESKILL: Committee on the Judiciary. H.R. 6670. A bill for the relief of Tere-sina Fara, with amendment (Rept. No. 91-105). Referred to the Committee of the Whole House.

Mr. DOWDY: Committee on the Judiciary. H.R. 6931. A bill for the relief of Giuseppe De Stefano, with amendment (Rept. No. 91-106). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEVILL:

H.R. 9214. A bill to amend chapter 44 of title 18, United States Code, with respect to the sale or delivery of ammunition; to the Committee on the Judiciary.

By Mr. BIESTER:

H.R. 9215. A bill to amend the Federal Power Act to facilitate the provision of reliable, abundant, and economical electric power supply by strengthening existing mechanisms for coordination of electric utility systems and encouraging the installation and use of the products of advancing technology with due regard for the proper conservation of scenic and other natural resources; to the Committee on Interstate and Foreign Commerce.

H.R. 9216. A bill to amend title 39, United States Code, to provide additional free letter mail and air transportation mailing privileges for certain members of the U.S. Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 9217. A bill to amend title 38, United States Code, to increase the amount payable on burial and funeral expenses; to the Committee on Veterans' Affairs.

H.R. 9218. A bill to amend title 38 of the United States Code in order to establish a national cemetery system within the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 9219. A bill to provide special encouragement to veterans to pursue a public service career in deprived areas; to the Committee on Veterans' Affairs.

H.R. 9220. A bill to provide for orderly trade in iron ore, iron and steel mill products; to the Committee on Ways and Means.

By Mr. BINGHAM:

H.R. 9221. A bill to amend title II of the Social Security Act to increase monthly benefits (with subsequent cost-of-living increases), to provide higher widow's benefits, to provide benefits for dependent parents, to permit the payment of benefits to married couples on their combined earnings records, to permit the exemption from coverage of services performed after attaining age 65, to eliminate the new restrictive definition of disability, to raise the wage base, and to otherwise extend and improve the old-age, survivors, and disability insurance system, to amend title XVIII of such act to provide coverage for certain drug expenses under the supplementary medical insurance program, to amend titles IV and XIX of such act to eliminate certain restrictions and limitations added in 1967 to the aid to families with dependent children and medical assistance programs, and to increase the amount of outside earnings permitted each year without any deductions from benefits; to the Committee on Ways and Means.

H.R. 9222. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. BROTZMAN:

H.R. 9223. A bill to amend the Small Business Act to provide assistance for owners and employees of small business concerns displaced or injured by Federal or federally assisted programs; to the Committee on Banking and Currency.

H.R. 9224. A bill to provide for equitable acquisition practices, fair compensation, and effective relocation assistance in real property acquisitions for Federal and federally assisted programs; to the Committee on Public Works.

H.R. 9225. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide for more equitable treatment of persons affected by real property acquisitions in Federal or federally assisted programs, and for other purposes; to the Committee on Ways and Means.

By Mr. COWGER:

H.R. 9226. A bill to change the definition of ammunition for purposes of chapter 44 of title 18 of the United States Code; to the Committee on the Judiciary.

By Mr. DINGELL:

H.R. 9227. A bill to amend the Federal Aviation Act of 1958 to provide for the certification of air freight forwarders; to the Committee on Interstate and Foreign Commerce.

By Mr. EDWARDS of California:

H.R. 9228. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. FARBERSTEIN:

H.R. 9229. A bill to provide for improved employee-management relations in the postal service, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 9230. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. FOREMAN:

H.R. 9231. A bill to permit the State of New Mexico to revise its agreement, entered into under section 218 of the Social Security Act, so as to extend social security coverage

to certain hospital employees in such State; to the Committee on Ways and Means.

By Mr. FRASER:

H.R. 9232. A bill to amend title IV of the Social Security Act to repeal the provisions limiting the number of children with respect to whom Federal payments may be made under the program of aid to families with dependent children; to the Committee on Ways and Means.

By Mr. HAMILTON:

H.R. 9233. A bill to amend title 5, United States Code, to promote the efficient and effective use of the revolving fund of the Civil Service Commission in connection with certain functions of the Commission, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ICHORD:

H.R. 9234. A bill to amend section 4356 of title 39, United States Code, relating to certain mailings of State departments of agriculture; to the Committee on Post Office and Civil Service.

By Mr. JOELSON:

H.R. 9235. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income compensation of enlisted members of the Armed Forces; to the Committee on Ways and Means.

By Mr. MADDEN:

H.R. 9236. A bill to provide for orderly trade in iron ore, iron and steel mill products; to the Committee on Ways and Means.

By Mr. MESKILL:

H.R. 9237. A bill to amend title 39, United States Code, to provide additional free letter mail and air transportation mailing privileges for certain members of the U.S. Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MURPHY of New York:

H.R. 9238. A bill to expand the definition of deductible moving expenses incurred by an employee; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas (by request):

H.R. 9239. A bill to amend title 38 of the United States Code so as to permit the Administrator of Veterans' Affairs to enter into contracts for the provision of health services for certain dependents and survivors of veterans; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of Wisconsin:

H.R. 9240. A bill to regulate speed of vessels on the Mississippi River; to the Committee on Merchant Marine and Fisheries.

H.R. 9241. A bill to authorize lowering of pools on the Mississippi River to prevent flooding; to the Committee on Public Works.

By Mr. UTT:

H.R. 9242. A bill to amend section 504 of the Internal Revenue Code of 1954, relating to the tax exemption of certain organizations; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 9243. A bill to amend the Consumer Credit Protection Act to safeguard consumers in connection with trading stamp practices; to the Committee on Banking and Currency.

By Mr. BOW:

H.R. 9244. A bill to amend title II of the Social Security Act to provide for cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. BROCK (for himself, Mr. ESHLEMAN, Mr. KUYKENDALL, and Mr. WHITEHURST):

H.R. 9245. A bill to expand upon the economic freedom and public responsibility of American industry, to encourage the opportunity for the American worker to bargain collectively in his own best interests without economic deprivation, and to guarantee the American consumer and taxpayer protection from the abuse of excessive concentration of power; to the Committee on Education and Labor.

By Mr. BURLESON of Texas:

H.R. 9246. A bill to amend section 358(a) of the Agricultural Adjustment Act of 1938, as amended, to extend the authority to transfer

peanut acreage allotments; to the Committee on Agriculture.

By Mr. CORDOVA:

H.R. 9247. A bill to amend section 2 of the Automobile Information Disclosure Act so as to include the Commonwealth of Puerto Rico, Guam, and the Virgin Islands within the provisions of such act; to the Committee on Interstate and Foreign Commerce.

By Mr. DENNEY:

H.R. 9248. A bill to amend the Federal Meat Inspection Act as amended by the Wholesale Meat Act; to the Committee on Agriculture.

By Mr. DINGELL (for himself, Mr. SAYLOR, Mr. CARTER, and Mr. POLLOCK):

H.R. 9249. A bill to amend chapter 44 of title 18, United States Code, to provide that such chapter shall not apply with respect to the sale or delivery of certain ammunition for rifles or shotguns; to the Committee on the Judiciary.

By Mr. EILBERG:

H.R. 9250. A bill relating to withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees; to the Committee on Ways and Means.

By Mr. FINDLEY (for himself, Mr. DAWSON, Mr. ARENDS, Mr. ROSTENKOWSKI, Mr. MCCLORY, Mr. MIKVA, Mr. RUMSFELD, Mr. MURPHY of Illinois, Mr. ERLBORN, Mr. KLUCZYNSKI, Mr. DERWINSKI, Mr. RONAN, Mrs. REID of Illinois, Mr. ANNUNZIO, Mr. ANDERSON of Illinois, Mr. YATES, Mr. COLLIER, Mr. PUCINSKI, Mr. MICHEL, Mr. PRICE of Illinois, Mr. RAILSBACK, Mr. GRAY, Mr. SPRINGER, and Mr. SHIPLEY):

H.R. 9251. A bill to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FOLEY:

H.R. 9252. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 9253. A bill to amend title 28, United States Code, section 753(e), to eliminate the maximum and minimum limitations upon the annual salary of reporters; to the Committee on the Judiciary.

By Mr. HARVEY:

H.R. 9254. A bill to amend the Flood Control Act of 1958 to authorize reimbursement to Frankenmuth, Mich., for certain work on the flood control project on the Saginaw River, Mich.; to the Committee on Public Works.

By Mr. HORTON:

H.R. 9255. A bill to prevent the importation of endangered species of fish or wildlife into the United States, to prevent the interstate shipment of reptiles, amphibians, and other wildlife taken contrary to State law, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. KYL (for himself, Mr. SCHADEBERG, Mr. ESHLEMAN, Mr. GROVER, Mr. KING, Mr. THOMSON of Wisconsin, Mr. WIGGINS, Mr. KLEPPE, Mr. MATSUNAGA, Mr. OLSEN, Mr. BEALL of Maryland, Mr. WILLIAMS, Mr. BROWN of California, Mr. SCHWENDEL, Mr. BLACKBURN, Mr. HELSTOSKI, Mr. PIRNIE, Mr. WRIGHT, Mr. MCCLURE, Mr. SANDMAN, Mr. CORMAN, Mr. ROBISON, Mr. VANDER JAGT, Mr. DANIELS of New Jersey, and Mr. WIDNALL):

H.R. 9256. A bill to authorize the Secretary of the Interior to establish the Lincoln Home National Historic Site in the State of Illinois, and for other purposes; to the Committee on Interior and Insular Affairs.



HOUSE

March 20, 1969

1. CHILD NUTRITION. Passed with amendments H. R. 515, to amend the National School Lunch Act and the Child Nutrition Act of 1966 (pp. H1950-63). The committee report summarizes the bill as follows: "The bill amplifies present language... of the National School Lunch Act which requires meals to be served without cost or at a reduced cost to children unable to pay the full cost of the lunch. The bill requires that such children be determined by a systematic plan applied to all families on the basis of need criteria...Under the bill, State appropriated funds for the school lunch program made up from tax sources must equal at least 4 percent of the matching requirements. Every other fiscal year thereafter the State revenue matching requirement would be increased by 2 percent until the State matching requirements reached a level of 10 percent...authorizes nutrition training in education...would amend appropriations authorizations of the National School Lunch Act and the Child Nutrition Act to permit not to exceed 1 percent of the funds to be used for grants to States in providing nutritional training and education for program participants and employees...would permit the Secretary of Agriculture to take a hard look at some of the competition to the balanced meal offered within schools and service institutions" and "provides flexibility to the Department and to the States as they move toward providing a fully adequate food service for children."

Agreed to amendments by Rep. Steiger to (1) force State revenue to be used proportionately between regular school lunch programs and special school lunch programs and (2) require cooperation and coordination between USDA and HEW in the development of nutrition education and training in schools and evaluation of the effectiveness of food programs for children (pp. H1961-3).

2. SPECIAL MILK. The Agriculture Committee reported H. R. 5554, to make the special milk program for children permanent (H. Rept. 91-110). p. H1990
3. TRAVEL. The Government Operations Committee reported with amendments H. R. 337, to increase the maximum rate of per diem allowance for employees of the Government traveling on official business (H. Rept. 91-111). p. H1990
4. POLLUTION. The Public Works Committee voted to report (but did not actually report) H. R. 4148, the proposed Water Quality Improvement Act. p. D209
5. COMMITTEE ASSIGNMENTS. Accepted the resignation of Rep. Corbett as a member of the House Administration Committee and elected Rep. Hansen, Idaho, as a member of this committee. p. H1950
6. EDUCATION. Rep. Perkins inserted excerpts from testimonies evaluating the effectiveness of elementary and secondary education legislation. pp. H1968-72
7. LUMBER PRICES. Rep. Wyatt stated the reason behind the building material price increase, "particularly as it applies to lumber and plywood products, can be linked to the very basic functions of supply and demand" and suggested the introduction of "high intensity forest management...involving precommercial and commercial thinnings--reforestation with super trees, genetics, and fertilization--using every known method of making trees grow more rapidly." pp. H1974-6
8. CENSUS. Rep. Charles H. Wilson stated that as chairman of the Subcommittee on Census and Statistics he intends to undertake a complete examination of the "controversial census question issue." p. H1979

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

UNITED STATES DEPARTMENT OF AGRICULTURE
WASHINGTON, D. C. 20250
OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U. S. DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

Issued March 21, 1969
For actions of March 20, 1969
91st-1st; No. 49

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HIGHLIGHTS: House passed bill to provide free and reduced-price meals for needy children. House committee reported bill to make special milk program permanent. House committee reported bill to increase per diem travel allowance. Senate committee reported Desolation Wilderness bill. Senate confirmed Paarlberg nomination to CCC Board of Directors.

Mr. Chairman, let us take the current prime rate of 7½ percent about which we have heard so much this week. Assume that this 7½ percent were to be applied across the board on the new debt ceiling proposed by President Nixon.

This new debt ceiling, which we are voting on here today, is \$377 billion. Calculated at a 7½-percent rate, the American taxpayer would be required to pay \$28 billion in interest on the national debt each year.

Yet, if the Federal Reserve had kept interest rates at the 2½-percent rate prevailing under President Roosevelt and President Truman, the interest charge on this same amount of debt would be only \$9 billion.

In other words, the policies of the Federal Reserve Board threaten to cost us an extra \$18 billion in interest charges on this huge national debt each year.

Already, Mr. Chairman, the Nation's taxpayers, each year, are required to pay about double what they should really be charged for interest on the Federal debt. This year, we will pay more than \$16 billion in interest on the debt and this is one of the largest single items in the Federal budget.

Mr. Chairman, I place in the RECORD a chart which shows the excess interest that has been paid on the private and public debt since Federal Reserve Board Chairman William McChesney Martin took over:

TABLE 1.—NET PUBLIC AND PRIVATE DEBT, TOTAL INTEREST PAID, AND AVERAGE RATE OF INTEREST IN THE UNITED STATES, 1951-66

Year (1)	Total, debt (billions) (2)	Interest paid (billions) (3)	Computed average interest paid (3÷2) (4)	Interest costs figured at 1951 computed rate (5)
1951.....	\$524.0	\$17.8	3.307	\$17.8
1952.....	555.2	19.7	3.546	18.9
1953.....	586.5	21.9	3.734	19.9
1954.....	612.0	23.9	3.873	20.8
1955.....	672.3	26.0	3.867	22.8
1956.....	707.5	29.8	4.212	24.0
1957.....	738.9	34.0	4.601	25.1
1958.....	782.8	36.0	4.600	26.6
1959.....	846.2	40.8	4.821	28.7
1960.....	800.2	45.7	5.134	30.2
1961.....	947.7	48.4	5.107	32.2
1962.....	1,019.3	53.4	5.328	34.6
1963.....	1,096.9	59.8	5.452	37.3
1964.....	1,174.3	66.5	5.663	39.9
1965.....	1,270.3	74.0	5.825	43.2
1966 (estimated).....	1,348.3	82.7	6.044	46.5
Total 1.....		680.2		468.8

1 See the following table:

Total col. 3.....	Billions \$680.2
Less total col. 5.....	—468.5
Excess cost.....	211.7

Source: Economic Report of the President, 1967.

This table plainly shows that William McChesney Martin has been the costliest public official of any government in the history of civilization.

For 17 long years, Mr. Martin has been fighting inflation. He has been able to see inflation where there was no inflation. He has seen the mirage of inflation when no one else was able to spot it.

As a result of these visions, Mr. Martin has developed an excuse to order higher and higher interest rates and higher and

higher profits for the banking industry. For 17 years he has used this excuse and pushed higher interest onto the backs of the American people.

For 17 years, the policies of William McChesney Martin have been a failure—the biggest failure in our Government.

With this kind of record, it would seem that the Federal Reserve Chairman might seriously consider calling it quits.

For 17 years, WRIGHT PATMAN has opposed the policies of William McChesney Martin and the high interest rates he has imposed on our economy. For 17 years, I have insisted that the Martin logic of stopping inflation with high interest rates made as much sense as using gasoline to put out a fire.

The record is clear and I leave it to the American public to judge who has been right over this 17 years of higher and higher interest rates.

LEANDER H. PEREZ, 1892-1969

(Mr. RARICK asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, Louisiana and the Nation has lost a champion of individualism with the lamentable passing of Leander H. Perez on March 19.

His devotion to the constitutional system and his loyalty for this country were unparalleled.

Judge Perez earned his fame and fortune in the true American free enterprise way. He was the seventh son of 13 children of a small Louisiana planter. He worked his way through college and became an attorney. In 1919 he was elected district judge in Plaquemines Parish—the first in a long line of positions he held while serving his people in public life.

The judge's reputation is one of courage and tenacity. He would never back down when he thought he was right, which is one of the many reasons the colorful "Judge," as he was known, had the confidence of his friends and the respect of his foes.

His passing removes from us a man of dynamic personality and conspicuous achievement—a man of fortitude and determined leadership for his people.

Mrs. Rarick and I extend deepest sympathy to his survivors and friends.

LEANDER H. PEREZ

(Mr. PASSMAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PASSMAN. Mr. Speaker, I am saddened to learn of the passing of one of Louisiana's most colorful citizens, Judge Leander Perez, Sr. At times Judge Perez was somewhat controversial, but indeed he was forthright and one of Louisiana's best known citizens. Judge Perez was respected by friend and foe alike. He was known to have possessed one of the greatest minds among the legal fraternity, and doubtless he was one of the greatest constitutional lawyers known to the South. His contributions to his home Parish of Plaquemines, to his own State, and to his fellowman

were well known. History will be kind to Judge Leander Perez. His thousands of friends indeed know that this world is a better place in which to live for Judge Leander Perez' having lived in it.

I want to extend my heartfelt sympathy to the members of his family.

REPEAL THE GUN CONTROL ACT OF 1968

(Mr. LONG of Louisiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LONG of Louisiana. Mr. Speaker, in response to clearly justified dissatisfaction and disenchantment, voiced by many of my constituents and, I do not doubt, uncounted citizens across the land, relative to the Gun Control Act of 1968, I am introducing today a bill to repeal that ill-advised and basically repressive law. It has been made abundantly clear today after only a few months of its creation, even to those who suffer with the gun control syndrome, that the act does not serve to keep dangerous weapons from the hands of criminals and incompetents as its proponents claimed, but rather works unnecessary hardships on the law-abiding and peaceful citizen who has legitimate uses for firearms. Furthermore it has come to my attention that Treasury officials, in their zeal to enforce the Gun Control Act, have used this unfortunate law to extend their authority over the legitimate and peaceful traffic in arms and ammunition in clear and direct violation of the spirit and letter of the legislation and in highhanded conflict with the obvious congressional intent of the bill. Such executive usurpation of legislative functions demands action of the Congress to redress the honest and extremely well-founded grievances of the American people who labor under the weight of an unjust law which should never have been passed in the first place. I ask my colleagues serious consideration of this bill which seeks to correct an injustice committed in fear and panic. Thank you, Mr. Speaker.

ANNOUNCEMENT OF THE REPRESENTATIVES FROM THE HOUSE TO THE INTERPARLIAMENTARY GROUP

(Mr. POAGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POAGE. Mr. Speaker, on behalf of the chairman of the Interparliamentary Group of the United States, the Honorable JOHN SPARKMAN, U.S. Senator, it is my privilege to announce the appointment of the following Members of the House of Representatives to the American delegation for the upcoming conference at Vienna: ALEXANDER PIRNIE, of New York; EMILIO Q. DADDARIO, of Connecticut; EDWARD J. DERWINSKI, of Illinois; ROSS ADAIR, of Indiana; W. R. POAGE, of Texas; JOHN S. MONAGAN, of Connecticut; ROBERT MCCLORY, of Illinois; JIM WRIGHT, of Texas; and JOHN JARMAN, of Oklahoma.

CONGRESSMAN BLANTON INTRODUCES A BILL TO REPEAL THE GUN CONTROL ACT OF 1968 AND TO REENACT THE FEDERAL FIREARMS ACT OF 1938

(Mr. BLANTON asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BLANTON. Mr. Speaker, today I would like to introduce a bill to repeal the present Gun Control Act of 1968 and to reenact the Federal Firearms Act of 1938.

Having conferred with a number of private citizens and public officials in Tennessee and throughout the country, I find the intent of the Gun Control Act of 1968 is being abused and inaccurately enforced by the Treasury Department. Since passage of the 1968 act, the crime rate in this country has increased rather than decreased. Our law-abiding citizens are being harassed by the Treasury Department as they usurp their authority by thwarting the intent of Congress in requiring the registration of firearms that was specifically excluded in the act.

It is my feeling that we should repeal this law in order to protect our constitutional rights to own and bear arms for the protection of our homes and loved ones.

I opposed this bill last year and warned by colleagues that the Treasury Department was using a foot-in-the-door approach to total firearms control. My fears were not unfounded and I now urge immediate consideration and passage of this repeal.

CORRECTION OF ROLL CALL

Mr. SEBELIUS. Mr. Speaker, on roll call No. 26, on yesterday, a quorum call, I am recorded as absent. I was present and answered to my name. I ask unanimous consent that the permanent RECORD and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE REPORT ON H.R. 337

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight, March 21, to file a report on the bill H.R. 337.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO FILE REPORT ON H.R. 5554

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight, March 22, to file a report on the bill, H.R. 5554, to provide a special milk program for children.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

RESIGNATION FROM COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER laid before the House the following resignation from a committee:

MARCH 17, 1969.

Hon. JOHN M. McCORMACK,
The Speaker, House of Representatives,
Washington, D.C.

DEAR Mr. SPEAKER: I hereby tender my resignation from the House Administration Committee.

With kindest personal regards,
Sincerely,

ROBERT J. CORBETT.

The SPEAKER. Without objection, the resignation will be accepted.
There was no objection.

ELECTION TO COMMITTEES

Mr. GERALD R. FORD. Mr. Speaker, I offer a resolution (H. Res. 331) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 331

Resolved, That the following named Members be, and they are hereby, elected members of the following standing committees of the House of Representatives:

Committee on Armed Services: Robert J. Corbett, of Pennsylvania.

Committee on House Administration: Orval Hansen, of Idaho.

The resolution was agreed to.

A motion to reconsider was laid on the table.

STRENGTHENING OF CHILDREN'S FOOD SERVICE PROGRAMS

Mr. O'NEILL of Massachusetts. Mr. Speaker, by direction of the Committee on Rules, I call up the resolution (H. Res. 330) providing for the consideration of the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 330

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions, and all points of order against the provisions contained in section 3 of said bill are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Com-

mittee on Education and Labor, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Massachusetts (Mr. O'NEILL) is recognized for 1 hour.

(Mr. O'NEILL of Massachusetts asked and was given permission to revise and extend his remarks.)

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield myself such time as I may need and at the conclusion of my remarks I yield 30 minutes to the gentleman from Ohio (Mr. LATTA).

Mr. Speaker, House Resolution 330 provides an open rule with 1 hour of general debate for consideration of H.R. 515 to amend the National School Lunch Act and the Child Nutrition Act. The resolution also provides for waiving points of order against section 3 of the bill because of a transfer of funds in that section—page 4, line 10.

H.R. 515 amplifies present language in the National School Lunch Act which requires meals without cost or at a reduced cost to children unable to pay the full cost of the lunch. The bill requires that such children be determined by a systematic plan applied to all families on the basis of need criteria. The bill adds provisions specifically prohibiting the identification of any child or children participating in the school lunch program or any food program under the Child Nutrition Act by the use of such devices as special tokens, tickets, or published lists of names.

The States and school districts are currently in the process of developing and publishing the eligibility standards so that every family will know whether a child should be receiving a free or reduced-price meal.

State matching requirements are provided in the bill and a nutrition training program is authorized.

The Secretary of Agriculture would be permitted to take a hard look at some of the competition to the balanced meal offered within schools and service institutions and the bill provides flexibility to the Department and to the States as they move toward providing a fully adequate food service for children.

Mr. Speaker, I urge the adoption of House Resolution 330 in order that H.R. 515 may be considered.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL of Massachusetts. I yield to the gentleman from Missouri.

Mr. HALL. In the gentleman's opening remarks he referred to the waiver of points of order in the House resolution, and said it applied to section 3 of the bill made in order. That is the section of the bill that is entitled "Nutrition Training and Education." I believe the gentleman's explanation justifying the waiver of points of order was, that there was a transfer of funds involved. Can the gentleman in his wisdom advise if such action reflected the decision of the Committee on Rules for waiving points of

order. Frankly, I have read and reread that entire section, which is all one long quotation, and it involves about 32 subordinate clauses. I do not have the least idea in the world where we are transferring funds from and to, or indeed what section 3 means.

I just wonder if this was brought out in the hearing before the Committee on Rules, and if the waiver of points of order, which, of course, takes away our individual prerogative as elected legislators, was at the request of the chairman, the suggestion of the Parliamentarian, or the Committee on Rules.

Mr. O'NEILL of Massachusetts. It was at the request of the chairman, the gentleman from Kentucky (Mr. PERKINS), and partly at the suggestion of the Parliamentarian. The gentleman from Kentucky is on his feet, and I yield to him so that he may answer the question.

Mr. PERKINS. Mr. Speaker, the first school lunch program we have ever had in this country was established by section 32 funds, pursuant to an act of Congress in 1935 to promote the sale of agricultural products to help the farmers in this country. We utilized it all during World War II until we enacted the School Lunch Act in 1946. We are still utilizing section 32 funds for the purpose of buying commodities and donating them to the States.

Here we have funds that are appropriated, and therefore it was necessary to ask for a waiver of points of order because we would utilize those appropriated funds. It was for that reason that we asked the Rules Committee to waive points of order only as to section 3.

Mr. HALL. Mr. Speaker, will the gentleman yield further?

Mr. O'NEILL of Massachusetts. I yield to the gentleman from Missouri.

Mr. HALL. Does the gentleman mean to imply that all of these relative clauses in this very composite and quoted sentence to which I referred, applies only to section 32 funds?

Mr. PERKINS. Additionally, the amendment applies to two acts. It applies not only to the National School Lunch Act but also the Child Nutrition Act.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I appreciate that, and I want it clearly understood that, first of all, I was strongly in favor of the distribution of surplus commodities and their use for the youth and their nutrition, and I have no objection to further study of the nutritional state of our children or of our foods, whether they be surplus or not. But is it not true also that in at least five different instances in this paragraph under section 3 that certain percentages of income from different acts or funds are designated for the Secretary of Health, Education, and Welfare to use, in his wisdom, administratively, and therefore that in effect becomes an open ended call on these various funds, and that is why we are asked to waive points of order? Is such not an incorrect charge against one department, with the other given the implementing authority?

Mr. PERKINS. No; we have limitations on the appropriations, but the real reason we are waiving points of order is that we cannot utilize appropriated

funds of a previous year because they would revert to the Treasury. Unless we have a waiver of points of order, you could make a point of order against it.

Mr. HALL. If the gentleman will yield further, I say to the distinguished chairman I am well aware of that. That is why I want to clarify this point before we give unanimous consent to consider it, or whether we ought to bring it before the House, or perhaps vote down the previous question, et cetera.

The gentleman is stating for the benefit of the Members, that we are not only getting authority to transfer funds, but we are also carrying over funds from prior year appropriations?

Mr. PERKINS. That is correct.

I compliment the gentleman from Missouri (Mr. HALL) for his great assistance in connection with this program through the years. There has been no greater, more staunch supporter.

Mr. HALL. Mr. Speaker, I appreciate the gentleman from Massachusetts yielding. I oppose these waivers of points of order, and I question this derivation of funds.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield to the gentleman from Ohio (Mr. LATTA).

(Mr. LATTA asked and was given permission to revise and extend his remarks.)

Mr. LATTA. Mr. Speaker, I agree with the statements just made by my colleague, the gentleman from Massachusetts (Mr. O'NEILL).

I wish to report I have no requests for time.

I support the rule. I support the bill. The administration supports the bill.

The purpose of the bill is to strengthen the National School Lunch Act and the Child Nutrition Act to: First, insure advanced funding for the programs included in the acts; second, institutes a policy to insure that the States will participate in the programs on a cash payment basis; and, third, prohibits any identification of those children who are being assisted under the two acts.

Last year Congress provided, in the amendments to the Vocational Education Act, that all educational programs administered by the Office of Education were granted advance funding authority. The committee believes the same reasoning applies to the food service programs. H.R. 515 will provide for advanced funding in order that school administrators may formulate plans before the school year begins.

According to the fiscal year 1970 budget submitted in January, funding requests for these programs will total \$367,466,000. This includes, in addition to the regular school lunch program, some \$90,000,000 for especially needy children, \$10,000,000 for the school breakfast program—still almost a pilot project, \$10,000,000 for purchase of food service equipment, and \$20,500,000 for the nonschool food program. This total will be an increase of \$121,191,000 over fiscal 1969 estimated expenditures. In addition to these expenditures, the Commodity Credit Corporation will contribute some \$250 million in commodities to the program in fiscal 1970.

The bill also requires that in both fis-

cal 1970 and 1971 a State must appropriate funds to be used in the programs equal to at least 4 percent of the Federal funds. This is to be increased by 2 percent each year until a permanent figure of 10 percent is reached and then maintained. This requirement will not apply to programs conducted in non-profit private or parochial schools.

Finally, the bill clarifies existing language in the School Lunch Act to insure that lunches are served to poorer children either at no cost or below cost. Such children are not to be singled out or identified in any public manner, such as lists or special tickets or tokens.

The gentleman from Wisconsin (Mr. STEIGER) has submitted additional views. He supports the bill and wants to add two amendments. To the section requiring State funds participation of 10 percent, he wants to add language to insure that the States will have an incentive to do this from their revenue sources—as required—rather than have some States drop out of the programs. The amendment would provide incentive to the States in the form of commodities for use in the programs. A second amendment to be offered will try to insure more cooperation between HEW and Agriculture, both of which are involved in funding the programs covered by the acts.

I support the rule and the bill and urge its passage.

Mr. Speaker, I yield back the balance of my time.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I yield to the gentleman from Illinois (Mr. PUCINSKI) 2 minutes.

(Mr. PUCINSKI asked and was given permission to speak out of order.)

MR. HOPE'S INDISCRETION

Mr. PUCINSKI. Mr. Speaker, last night a very distinguished American humorist, Bob Hope, committed what was, in my judgment, a most unfortunate indiscretion during his appearance at Constitution Hall.

I yield to no one in my admiration of Mr. Hope. I have admired and enjoyed him all these years. But I must take objection to the fact that yesterday, in order to get some laughs, Mr. Hope used two Polish jokes—two very old, tired, and not very funny, Polish jokes.

Worst of all, to add insult to injury, Mr. Hope kept referring to "Poles" as "Polacks." I would hope we have outlived that era when in this country we refer to ethnic groups by slang names.

I think Mr. Hope owes Americans of Polish descent a public apology. It is my hope he will avoid similar indiscretions in the future. Mr. Hope is too highly respected and has too much real talent to have to rely on such Polish jokes to sustain his repartee.

I can tell my colleagues one thing: Bing Crosby would never be caught with this kind of indiscretion.

Mr. O'NEILL of Massachusetts. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. PERKINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 515), to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 515, with Mr. OLSEN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Kentucky (Mr. PERKINS) will be recognized for 30 minutes and the gentleman from Ohio (Mr. AYRES) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, a bill in substance like H.R. 515 passed the House last year unanimously under a suspension of the rules. This bill, to my way of thinking, makes a great improvement to one of the greatest programs that this Congress has ever enacted, the national school lunch program.

We are opening our debate here today on H.R. 515, a bill to amend the National School Lunch and Child Nutrition Acts, in the midst of a growing public consensus that hunger and malnutrition shall be eliminated from this country. The essential points in this bill are almost identical to those in H.R. 17873, a measure we approved unanimously last year in a rollcall vote.

I am proud of the work we have done in the House Education and Labor Committee to improve nutrition among children and I am just as proud of the all-out endorsement we have received from the Members of this House each and every time we have come before you with proposals to strengthen child feeding programs.

H.R. 515 carries the full support of the last administration and the new administration—both have testified as to the need for this measure. The details of this bill were developed in full cooperation with the State school lunch directors who are charged with administration of food service in schools. They need and want this measure as is. The language, the proposals, the details were developed by those who know what they need from us; by those who live with these programs day in and day out and who are responsible for operating sound and effective food service programs for children.

And these proposals also reflect the thinking of private groups who were consulted fully on their views as to how to strengthen these programs. I cannot praise too highly the work of the dedicated women's groups who analyzed, in depth, the effectiveness of the food service programs and whose recommendations appeared just about a year ago in a widely praised publication, "Their Daily Bread." They did not just issue their report and then turn to other subjects. They have stayed with the problem—advising, counseling—providing the kind of solid grassroots support so essential if we are to really get on with the job of improving nutrition among children.

There may be some Members who are not familiar with all we have done in recent years to structure sound food service programs for children and this is an appropriate time for a review of where we stand.

First. The basic legislation is, of course, the National School Lunch Act, passed in 1946. This legislation grew out of congressional concern about the nutritional level of children in school—not just some children—all children. Through the national school lunch program, Federal support is provided in the form of cash and donated foods to public and nonprofit private elementary and secondary schools that agree to operate a nonprofit food service that meets specified nutritional requirements. These nutritional requirements are based on tested nutritional research and are designed to meet at least one-third of a child's daily nutritional needs. The schools also agree to serve meals free or at reduced price to those children that cannot afford the full cost of the lunch.

The lunch program is now operating in schools with almost 80 percent of all children enrolled in public and nonprofit elementary and secondary schools. The national average rate of reimbursement is about 4.5 cents per lunch in cash and 10 to 12 cents in the form of donated foods. The average cost of getting that lunch on the table was about 57 cents in the 1967-68 school year.

For most schools, this level of Federal support is just barely enough to operate a viable program and maintain the charge to the youngsters at a reasonable level. However, in a number of situations, the support provided is not adequate to underwrite the full need for free and reduced price meals.

It was in recognition of this that we added Section 11 to the National School Lunch Act in 1962. Section 11 carries its own apportionment formula and its own funding authority. It authorizes a higher level of support for lunch programs in low-income area schools. We enacted the legislation but it took us 3 years to get around to providing any funds at all for this section and then the amount appropriated was totally inadequate to do the job.

Second. In 1966, we passed the Child Nutrition Act that authorized a pilot school breakfast program for low-income area schools and remote rural schools where the children travel long distances.

The Child Nutrition Act also authorized assistance to low-income area schools in the acquisition of equipment for food service.

And this measure also provided:

Authority for the conduct and supervision of Federal programs to assist schools in providing food service programs for children is assigned to the Department of Agriculture. To the extent practicable, other Federal agencies administering programs under which funds are to be provided to schools for such assistance shall transfer such funds to the Department of Agriculture for distribution through the administrative channels and in accordance with the standards established under this Act and the National School Lunch Act.

Third. Just last year, we enacted Public Law 90-302 that locked into place the final bit of hardware to complete our capability for reaching children in groups of any age, year-round with food service. That legislation authorized assistance for food service in day-care centers, settlement houses, and summer day-care activities, particularly those for children of low-income families.

The proposal before us today does not launch any bold new initiatives—this part of the job has already been done. What H.R. 515 does essentially is to tidy up some loose ends and authorize some assistance in a long-neglected area—nutrition education and training. It is a bill that does not cost the Federal Treasury a nickel. H.R. 515 provides the following:

First. It strengthens the statutory requirements and responsibilities with respect to the criteria for the serving of free and reduced price meals. This section outlines some of the things the State and local education officials shall take into consideration in developing a policy and plan to assure equitable treatment for all who should be receiving a free or reduced price meal. It also provides that the policies and plans shall be announced publicly so that everyone knows the rules.

Second. It spells out several things that shall not be done in order to avoid publicly identifying those children who are receiving free meals. Special tokens or tickets for these children are prohibited as is the publication of lists naming the children who are receiving free or reduced price meals.

Third. The State matching requirements are changed so that State tax funds must be used to meet a portion of the present matching requirements. The change would be very gradual on a biennium basis, reaching the equivalent of 30 cents for each Federal dollar in fiscal year 1977. As matters now stand, only a handful of States provide direct program funds for school food service. Most rely far too heavily on children's payments to meet the matching requirement.

H.R. 515 authorizes that Federal appropriations for child nutrition programs may be made a year in advance. This is an important feature because it is becoming increasingly difficult for the States and local education officials to plan sound, sensible, and effective food assistance programs when they may not know until well into the school year how much Federal support will be forthcoming.

ing. As a practical matter, schools need to establish a meal price before school opens and a price that will sustain the program throughout the school year. School food service programs operate on the thinnest of margins and if they are forced to raise prices in the middle of the school year, they can lose their clients by the dozen.

Any housewife with two or three youngsters in school will think twice about laying out that breakfast or lunch money five days a week if it represents too much of a squeeze. And here we are talking about the great majority of participating children—the children in families of fairly modest circumstances. After all, this is the bulk of our population and they need this small help they get through school food service.

Fourth. One major feature of H.R. 515 has very important long-range implications for this Nation's nutritional well-being. It provides that up to 1 percent of the funds appropriated for school food service may be used for nutrition training and education both for those directly involved in the operation and management of school food service and for the children benefiting from these programs.

It has become very clear over the past several years that all too many of our people have little understanding of the importance of good nutrition and what it takes to eat wisely and well. Good nutrition is a life-long need—even more essential in an area when we are greatly reducing the incidence of diseases that killed thousands of youngsters.

Fifth. The remaining amendments essentially clear up or clarify some technical points that State food service officials would like to see clarified. One, for example, would permit the States some flexibility in the use of funds appropriated for food service. Some States have virtually every school equipped for food service. These States then, on the basis of an approved plan, could concentrate on serving more free or reduced price breakfasts and lunches. This is essentially what has been done this year with the additional funding which was provided from section 32 money. It all goes to feeding youngsters—particularly the needy youngsters—but this approach allows the States to exercise some options to get food service to as many needy children as possible as quickly as possible.

In conclusion, I want to emphasize, I want to reiterate, that we are now in a position to move rapidly to reach more millions of children with food service. And I mean all children. This is the best route we have to show a dramatic improvement in the health and well-being of our young children and our school-age children. Reaching these children in group situations can do much to offset what may be inadequate nutrition at home whatever the family's financial status.

Let us always bear in mind that these are food service programs for children—all children.

Mr. Chairman, I hate to go over this program with no one on the floor. I am going to make the point of order that a quorum is not present.

The CHAIRMAN. It is obvious a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 28]

Adair	Ford,	O'Konski
Adams	William D.	O'Neal, Ga.
Addabbo	Fraser	Ottinger
Alexander	Frelinghuysen	Pirnie
Anderson,	Gallagher	Powell
Tenn.	Glaimo	Preyer, N.C.
Annunzio	Gray	Purcell
Ashbrook	Hagan	Quie
Ashley	Hanna	Rallsback
Ayres	Hansen, Idaho	Rees
Bates	Hastings	Reid, Ill.
Bell, Calif.	Hathaway	Ronan
Bow	Hays	Rooney, Pa.
Brademas	Hébert	Rosenthal
Bray	Holifield	Roudebush
Brown, Calif.	Johnson, Pa.	Roybal
Broyhill, Va.	Karth	Sandman
Burton, Utah	Kirwan	Scherle
Camp	Leggett	Scheuer
Carey	Lowenstein	Scott
Casey	Lujan	Shriver
Celler	McCarthy	Springer
Chisholm	McCloskey	Stephens
Collier	McDonald,	Stuckey
Conyers	Mich.	Symington
Culver	McEwen	Taft
Davis, Wis.	Mailliard	Taylor
Derwinski	Mann	Teague, Calif.
Diggs	May	Tunney
Dowdy	Meeds	Udall
Eckhardt	Michel	Utt
Erlenborn	Mollohan	Waggonner
Esch	Mosher	Watkins
Farbstein	Murphy, N.Y.	Williams
Findley	Myers	Wilson, Bob
Flowers	Nichols	Wold
Foley	O'Hara	Wydlér

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ROONEY of New York) having assumed the chair, Mr. OLSEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 515 and finding itself without a quorum, he had directed the roll to be called when 323 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Kentucky (Mr. PERKINS) was addressing the Committee when the quorum call commenced. The Chair recognizes the gentleman from Kentucky.

Mr. HALEY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] Sixty-seven Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 29]

Adair	Culver	Hays
Adams	Daniels, N.J.	Hébert
Alexander	Davis, Wis.	Hicks
Anderson,	Dellenback	Holifield
Tenn.	Derwinski	Johnson, Pa.
Annunzio	Diggs	Kirwan
Ashbrook	Dingell	Leggett
Ashley	Dowdy	Lujan
Ayres	Eckhardt	McCarthy
Bates	Erlenborn	McCloskey
Bell, Calif.	Esch	McEwen
Bolling	Eshleman	Mailliard
Bow	Evins, Tenn.	Mann
Brademas	Flowers	Michel
Bray	Fraser	Montgomery
Brown, Calif.	Frelinghuysen	Morton
Carey	Frey	Mosher
Celler	Gallagher	Murphy, N.Y.
Chappell	Glaimo	Myers
Chisholm	Gilbert	Nichols
Cohelan	Gray	O'Konski
Collier	Hanna	O'Neal, Ga.
Conte	Hastings	Ottinger
Conyers	Hathaway	Pike

Pirnie	Ruth	Teague, Calif.
Powell	Sandman	Thompson, N.J.
Purcell	Scherle	Tunney
Quie	Scheuer	Udall
Rees	Scott	Waggonner
Reid, Ill.	Shriver	Watkins
Ronan	Smith, Calif.	Weicker
Rooney, Pa.	Stafford	Williams
Rosenthal	Stephens	Wilson, Bob
Roudebush	Stuckey	Wold
Roybal	Taft	Wydlér

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ROONEY of New York) having resumed the chair, Mr. OLSEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 515 and finding itself without a quorum, he had directed the roll to be called when 326 Members responded to their names a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Kentucky (Mr. PERKINS) is recognized for 27 minutes.

Mr. GOODLING. Mr. Chairman, will the gentleman yield for a question?

Mr. PERKINS. I yield for a question; yes.

Mr. GOODLING. Prior to the interruption, Mr. Chairman, you made the statement that there is \$600 million involved in this bill. To whom is this \$600 million charged?

Mr. PERKINS. I made the statement that the entire school lunch bill cost last year about \$623 million. We have in the budget this year for the school lunch programs \$643 million. These funds go for the purchase of donated commodities and to reimburse the States for the school lunches served throughout the Nation at about 4.5 cents per school lunch served, and the donated commodities at about 10 cents, which totals about 14.5 cents. In other words, it cost about 57 cents last year to serve one of these lunches. That is where it goes.

Mr. GOODLING. I do not really think that the gentleman has answered my question. Perhaps he did not understand the question. My question is from what department does this \$600 million come?

Mr. PERKINS. Some of it comes out of section 32 funds of the Department of Agriculture, some of it comes out of section 416 of the Agricultural Adjustment Act of 1949, some of it represents direct appropriations from this Congress here—most of it. That is where most of the funds come from.

Mr. GOODLING. One further question: This morning the Committee on Agriculture reported out the school milk bill. Why is it that the Committee on Agriculture has jurisdiction of the school milk bill and the Committee on Education and Labor has jurisdiction of the school lunch program? I think that many Members would like to have that jurisdictional question explained.

Mr. PERKINS. I know that the gentleman is perturbed about the school milk program and, likewise, in my opinion it is a mistake to omit the special milk program from the budget for fiscal year 1970. I believe it was a mistake. I am of the opinion that the Committee on Appropriations will do something about that, especially in view of the fact that

we extended the authority for the school milk program through 1970 and increased it up to \$120 million annually. So, we have done everything in our power—the Committee on Education and Labor—all through the years to support this special milk program.

Mr. GOODLING. Mr. Chairman, if the gentleman will yield further, was not this jurisdiction just changed about a year ago—the school lunch program?

Mr. PERKINS. No, the school lunch program jurisdiction—and I have worked on the school lunch program in the Committee on Education and Labor—we rewrote the act in 1962.

It is true that back in 1946 the Committee on Agriculture had this jurisdiction but after the Reorganization Act the Education and Labor Committee has had the School Lunch Act. In recent years the School Lunch Act has been lodged, for all intents and purposes, in the Committee on Education and Labor.

Mr. GOODLING. I just wanted to point out, Mr. Chairman, that I do not want to see the farmers of America charged with an expenditure over which the Department of Agriculture and the Committee on Agriculture has no jurisdiction.

Mr. PERKINS. I certainly do not want to invade the prerogatives of the Committee on Agriculture.

Mr. Chairman, H.R. 515 strengthens the criteria for serving free or reduced price meals, and this determination of free lunch or breakfast has always been made by local school authorities, and we expressly prohibit discrimination through identification of children receiving free or reduced price meals such as an overt identification of children by segregation, physical segregation, use of special tokens or tickets, or announcing or publishing lists.

Mr. MIKVA. Mr. Chairman, would the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Illinois.

Mr. MIKVA. I thank the gentleman for yielding.

Mr. Chairman, I was particularly concerned about this point that the gentleman has just been making. As the gentleman knows, there are some States, including my own, where I believe the original congressional intent was somewhat flaunted in terms of this identification of the children. I introduced a bill and made a statement before the gentleman's committee in my concern.

For example, one of the things done in Illinois was that the superintendent of public instruction required written application from the parents of children, and required identification of those as public aid recipients before being eligible for school lunch programs.

Do I understand the statement contained in H.R. 515, which the committee, chaired by the gentleman in the well, has reported out, would mean that such written application requirements would be contrary to the congressional intent in authorizing this program? Would I be correct in that statement?

Mr. PERKINS. That is correct. And we have tried for several years to eliminate this discrimination, or to prohibit these children being identified, but in certain

school systems throughout the country this situation is still prevalent, and we feel that this language will do the job. That is the reason why we strengthened the language in this bill. I am very sure that this language will take care of the situation prevailing in Illinois.

Mr. MIKVA. For the purposes of the record, I had suggested some language at one time that said "No information shall be required by local school authorities from any child which shall identify him to his peers as the recipient of free or reduced-price school lunches, nor shall any child's family be required to provide personally to local school authorities information which is available from other public agencies regarding the family's income and public assistance or welfare status."

May I assume that the committee feels that the language of H.R. 515 already covers and prohibits the practices which I have suggested?

Mr. PERKINS. The gentleman is absolutely correct in that assumption.

Mr. MIKVA. Through the kind indulgence of the gentleman in the well, I wonder if it would be possible to insert my statement in the RECORD at an appropriate time on the discussion of this bill?

Mr. PERKINS. Certainly. I want to thank the gentleman for his contribution.

Mr. PUCINSKI. Mr. Chairman, would the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Illinois.

Mr. PUCINSKI. Mr. Chairman, I might point out that on page 2 of the committee report the statement is made:

The States and the school districts are currently in the process of developing and publishing the eligibility standards so that every family will know whether a child should be receiving a free or reduced-price meal.

Mr. PERKINS. Let me say to the gentleman that the language on page 2 is so clear, and also that on top of page 3, that I feel that the situation the gentleman refers to is already taken care of.

Mr. LONG of Maryland. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I thank the gentleman for yielding.

I would ask the gentleman are there any safeguards in here to prevent abuse of this program by some well-to-do people, for example, being permitted to take advantage of the free lunches for their children, even though the family can well afford to pay for their child's lunches?

Mr. PERKINS. Of course, we provide and set up certain safeguards here in the law; and to my way of thinking, we have adequate safeguards in this legislation, and I just do not believe that will happen.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Colorado.

Mr. ROGERS of Colorado. I thank the gentleman for yielding.

I would draw the attention of the gentleman to page 3 of the report where in there is outlined an increase starting out at 4 percent of matching require-

ments, and increasing it 2 percent until it reaches 10 percent in 1976.

As I understand it, there is no requirement at the present time that the State matching this is taxed in any manner whatsoever?

Mr. PERKINS. That is absolutely correct. The cost of the school lunch program by and large is being borne by children's payments outside of the Federal Government contribution and there is no requirement on the part of the State.

It does not say that the States presently contributing—and that is the reason we require matching in a way that would not work a hardship on the States.

We start in at a low cost and gradually go up.

Mr. ROGERS of Colorado. If a State, as such, fails to provide percentages outlined up to 1976, would that result in any school districts within the State losing their money?

Mr. PERKINS. I cannot visualize any State rejecting or failing to cooperate because the evidence was so clear that all the States were willing to make a reasonable contribution here.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield further?

Mr. PERKINS. I yield to the gentleman.

Mr. ROGERS of Colorado. That State—or may I ask the gentleman—my State, in my congressional district, the city, and county of Denver—

Mr. PERKINS. Let me interrupt the gentleman to say this—that we only got one derogatory telegram on this matter and that came from the gentleman's chief State officer in Colorado.

The chief State school officers otherwise unanimously endorsed this legislation—outside of the gentleman's own State.

Mr. ROGERS of Colorado. Mr. Speaker, will the gentleman yield further?

Mr. PERKINS. I yield to the gentleman.

Mr. ROGERS of Colorado. Then, as an example, if the State of Colorado did not come forward as provided by this, and provided the necessary money, is it possible then for the school district No. 1, that is the city and county of Denver, then to negotiate directly with the department?

Mr. PERKINS. The school districts could then possibly negotiate directly with the Department of Agriculture for the use of any available section 11 funds where no matching is required.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield further?

Mr. PERKINS. I yield to the gentleman.

Mr. ROGERS of Colorado. If my school district then had to proceed in this fashion, then what would the situation be—as to the State?

Mr. PERKINS. Your district would have to deal with the State, but let me remind the gentleman that all State or local matching is required under section 11 funds.

Mr. ROGERS of Colorado. I thank the gentleman.

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentlewoman from Michigan.

Mrs. GRIFFITHS. May I ask if the effect of this bill is to reduce the price of the lunch to the child who buys it or is the effect intended to be that additional children, who are not now being served school lunches, will be served?

Mr. PERKINS. Let me state that last year, until we got an extra \$50 million, we only were serving 2.7 million needy schoolchildren free or reduced-priced lunches.

Now we are up to approximately 4.1 million.

The effect of the State matching requirements will either be an expanded program within a State or reduced prices for school lunches in such State.

Mrs. GRIFFITHS. Would not the real effect of this bill be, in my State, for example, that the wealthy suburbs of the State would be able to buy the school lunches at these reduced prices?

Mr. PERKINS. I will state to the gentlewoman from Michigan that a survey was made by a consortium of prominent national women's organizations. The report that they made was published and called "Their Daily Bread." That survey was very comprehensive and it recommended continuation of our present school lunch program and, on top of that, it recommended that something be done about the low-income groups, the schoolchildren from the low-income families of this country. That is what we are really trying to do. But we do not want school lunches for moderate-income families to be priced so high that in a few years the students will resort to snack bars and forget about the type A lunch which they are presently receiving in the school.

Mrs. GRIFFITHS. But the answer is that this measure will apply to all schools.

Mr. PERKINS. That is correct; and I want to thank the gentlewoman for her contribution.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from New York.

Mr. HORTON. I thank the gentleman for yielding. I wish to get back to the same subject the chairman was discussing with the gentleman from Colorado; namely, the provision in the bill which will require the States to pick up the share that has been paid previously by the schoolchildren. I wanted to ask the chairman if he would clarify for me whether that provision would mean mandated funds insofar as the State is concerned.

Mr. PERKINS. The bill is very clear in stating that commencing with fiscal year 1971 at least 4 percent of the local and State matching must be derived from State tax revenues. These funds do not have to be earmarked by the State legislature and may come from any funds made available to State and local educational agencies from tax revenues.

Mr. HORTON. I wish to commend the chairman and the committee for trying to improvise a bill and a program which is going to give the school districts advance time so that they can make their

plans accordingly. But the thing I am concerned about is the mandate of tax funds by the Federal Government in this bill upon the States.

Mr. PERKINS. Does not the gentleman think that it is reasonable where several States are making a big contribution, to require the other States that are receiving benefits, to contribute? The States now contributing are Louisiana, New York, Massachusetts, New Jersey, Hawaii, Utah, Delaware, Minnesota, West Virginia, District of Columbia, Vermont, Indiana, Puerto Rico, Virgin Islands, Guam, American Samoa.

We are not trying to put a harsh requirement on the States. It is very reasonable. We held really comprehensive hearings on this legislation, and all the experts and people throughout the country, the school lunch people, unanimously from the various States thought that these recommendations were reasonable, and this bill emerged from the committee.

Mr. HORTON. I understand. Will the gentleman yield further?

Mr. PERKINS. I yield for one additional question.

Mr. HORTON. Mr. Chairman, I am not being critical. I am trying to understand. In the State of New York, for example, would it be required to appropriate additional funds in order to carry out this phase of the program?

Mr. PERKINS. The State of New York, for instance, in my judgment is now appropriating more than would be required the first biennium or maybe the second biennium under this bill. We are just trying to put the school lunch program in order, so it will be solvent in the future, by reasonably requiring the States to make a reasonable contribution without penalizing any State. I do not think any State legislature in the whole country will object, and it will not do it unless we place this requirement in the law. All the States are going to take advantage of the school lunch program; we all know that.

Mr. Chairman, I thank the gentleman from New York.

(Mr. HORTON asked and was given permission to revise and extend his remarks at this point in the Record.)

[Mr. HORTON addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. PERKINS. Mr. Chairman, as we discussed the requirement on the part of the States, we all know that today under the National School Lunch Act the requirement is for \$3 in local money to \$1 from the Federal Government. These payments in the past have been mostly met from children's payments, and that is the real reason for this requirement in this bill.

Then another really important aspect of this bill is the nutrition education and training. We provide that 1 percent of the funds shall be utilized for that purpose.

Mr. Chairman I, have taken too much time, but before I conclude, I must compliment the gentleman from Minnesota (Mr. QUIE), the gentleman from Wisconsin (Mr. STEIGER), and all the Members

on that side of the aisle who have worked so diligently in helping to write the bill last year and this year.

Last year this bill came out of the committee unanimously, and with the enthusiastic support we are all giving this measure, I hope the bill will pass the House unanimously this year.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. STEIGER).

(Mr. STEIGER of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. REID).

(Mr. REID of New York asked and was given permission to revise and extend his remarks.)

Mr. REID of New York. Mr. Chairman, I rise in support of H.R. 515, a bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children and to strengthen the food service programs for children in schools and service institutions.

It is estimated that there are now approximately 6½ million children who need a free or reduced price lunch, and the Department of Agriculture expects to reach about 3½ million of those children this year. If Congress appropriates the amount requested for the school lunch program in the 1970 budget and in addition funds for the special milk program the remainder of the children should be reached next year. This bill contains the following provisions which would make the program more effective:

Local school authorities shall make determinations as to eligibility for participation in the program in accordance with a publicly announced policy and plan applied equitably, on the basis of criteria which must include level of family income, the number of persons in the family, and the number of children attending school.

There is to be no overt identification of children participating in the program through the use of special tokens, tickets, or published lists of names. It is hoped that this will prevent discrimination against or embarrassment to the children involved.

The bill authorizes advanced funding authority for the school lunch program, to facilitate planning, and requires that State-appropriated funds for the school lunch program made up from tax sources must equal at least 4 percent of the matching requirements in fiscal years 1970 and 1971. In the past, many States have relied almost entirely on children's payments to meet the matching requirement, and the intent of this bill is to avoid the practice of increasing the price of lunches to the children to make up the State share of the cost. This provision must be closely monitored to insure that all children in fact receive free or reduced-price lunches.

The bill authorizes a program of nutrition training in education, and provides flexibility to the States as they

attempt to provide a fully adequate food service to their children. Some States need equipment before they can begin a full-scale food service program and other States need money for free or reduced-price meals. This legislation would meet both needs.

Although the fiscal 1970 budget request for child nutrition programs has been increased over previous levels, it is important to note that the special milk program has been eliminated. The "increase" is therefore not an overall increase, but represents a shifting of funds from one program to another. Although the flexibility which the Department of Agriculture seeks through this move may be desirable, it would be unthinkable to discontinue the special milk program, since such action would end assistance to many children in summer camps, and it is essential that steps will be taken to prevent this.

Mr. Chairman, I urge passage of this bill, which would authorize programs which are vital to our efforts to eradicate hunger in America.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Kentucky.

(Mr. CARTER asked and was given permission to revise and extend his remarks.)

Mr. CARTER. Mr. Chairman, I rise in support of the school lunch program, H.R. 515. I have been in contact with the superintendents of schools throughout my district, and all favor the enactment of this bill. In many mountainous counties of Appalachia, I am told by these reliable people that the only good food many of the children get is that which is given them at school. They state further that within a month after many of the children have entered school they take on a healthier appearance, they are more alert and are more interested in their work.

The school lunch program has been greatly helpful to all the people of southeastern Kentucky. I strongly support the enactment of this bill which has been developed by the committee of which my colleague, the gentleman from Kentucky (Mr. PERKINS), is chairman. I wish to compliment the chairman and also each member of the committee on their excellent work.

Mr. STEIGER of Wisconsin. Mr. Chairman, this bill is a good bill. The bill was reported unanimously by the Committee on Education and Labor; it does have the support of both the majority and minority members of the committee; it is nearly identical to a bill that was passed unanimously by this House last year.

At the time that this bill was considered by the committee, I attempted to offer an amendment which was turned down. My amendment touched on the problem that the gentlewoman from Michigan raised. In the form that this bill reported to this House for consideration, the requirement that there be State tax money either appropriated or utilized specifically for the school lunch program in no way gives any guidelines to the States concerning the

purposes for which this money may be used.

The gentlewoman from Michigan is correct in saying at this time that the new revenue, using the budget figures for fiscal year 1970 as presented by President Johnson, would equal approximately \$21,964,920, or 4 percent of the total matching requirements. The bill as approved by the committee provides very little guidance as to how this money will be used.

Let me suggest to the Members of this House that this bill is not an appropriation bill. It is nothing more than an important piece of legislation which does provide a series of technical amendments to the School Lunch Act and the Child Nutrition Act of 1966 which the Committee on Education and Labor and school people and educators throughout this country support. It does require that there be no segregation or identification of those receiving free or reduced-price lunches. It does emphasize—and I want to stress the importance of that emphasis—the need for nutritional education.

In addition, H.R. 515 provides for a minimum level of support for the program from State appropriated or utilized funds. The existing law requires that States match each dollar of Federal money received under sections 4 and 5 of the act with \$3 collected from sources within the State, including State and local appropriations and the funds collected from children in the local schools. H.R. 515 as reported by the Committee on Education and Labor would require the States to pick up a minimum of 4 percent of the total matching requirement from State tax revenues, either specifically appropriated or utilized to support the school lunch program. H.R. 515 further provides for a biennial 2 percent increase in the portion which must come from State tax sources reaching a maximum of 10 percent of the total matching requirement beginning on July 1, 1976.

This provision is specifically aimed at those States which now pass on the major costs of the program to the children who participate. In at least one State, the children pay 100 percent of the total matching requirement, and in a good many others, the State now provides less than 1 percent of the matching requirement. A few States have taken it upon themselves to pay a substantial part of the cost. Louisiana pays 36 percent of the matching requirement.

The State of New York provides 20.9 percent and the State of Utah provides 19.9 percent. The State of Missouri provides 20.4 percent. In many of the other States, however, it is quite clear very little is being provided through State tax revenues. This bill does not touch the special milk program. A number of Members have asked, both the majority and the minority, about the effect of this legislation on the special milk program. There is no impact whatever. The issue of the special milk program stems from the budget proposals of Mr. Johnson. He recommended eliminating that program in fiscal year 1970 and transferring those funds into section 11 of this act. This

bill does not have an effect on the special milk program. We will have to face that issue when we consider the budget.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am glad to yield to the gentleman.

Mr. WILLIAM D. FORD. I do not want to interrupt the gentleman while he is discussing the school-lunch program, but you used the expression a moment ago of nutritional education. This raised a problem in my congressional district. The gentleman placed great emphasis on this as a positive aspect of the bill in terms of education. Do you mean that this would be in terms of education of the children partaking of food and learning the value of a balanced diet or nutritional education in terms of the people serving the food and learning something in the process of doing that?

Mr. STEIGER of Wisconsin. I would answer by saying that the stress of the legislation as it comes to us is in terms of people serving more luncheons and nutritional education made available for the purposes of insuring those who handle this program at a local school have a full understanding of balanced diets and nutritional foods and the other things that go to make up a decent, adequate, nutritionally balanced diet.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I had some discussion with the chairman of this committee and I want to take this opportunity to commend the chairman and the gentleman from Wisconsin and the other Members of this House for bringing this bill out again.

This is an important contribution and it has far-reaching effects which will be very helpful toward resolving the problem of malnutrition in our young people.

Mr. Chairman, I firmly believe that the goals of H.R. 515 to improve the national school lunch program and strengthen its focus on children of low-income youngsters are very sound.

The provisions of this bill set strong guidelines for school authorities, mandating that free and reduced price lunches be distributed on the basis of need, and that there shall be no overt identification of children receiving free or subsidized meals.

These get to the very heart of glaring defects of the present program.

Also, I support the emphasis this bill gives to nutrition training and education in our Nation's schools. The need for help in this area was well illustrated last year in a television documentary on "Hunger in America" which showed how many thousands of Americans are living on nutritionally backward diets.

What disturbs me about this bill is that it requires the States to up their ante to meet the matching requirements of the program. While it is true that many States have contributed very little to the school lunch program, outside of money paid by youngsters for their lunches, the reasons for meager State contributions from tax revenue may not

lie in the lack of enthusiasm for the lunch program.

The fact is that State and local governments in America today are extremely hard pressed for tax and budget dollars. Part of the State's problems are traceable directly to the Federal Government.

Over the past few years the Federal Government has promised high levels of dollar participation in many of these programs. These promises have gone partially unsatisfied in many areas because of the Vietnam war and the need for Federal budget restraints.

The burden in each case has fallen to the States which are already saddled with high and unpredictable welfare and education costs.

Most States need the full potential of their taxing and borrowing powers just to keep up with the demands of program and population growth.

Like the Federal Government, State and local governments face growing demands for improved and expanded services in education, in welfare, in economic development, in pollution control, in transportation, and in social programs. Like the Federal Government, they face skyrocketing salary and construction costs, in fact, rising costs on every front.

This bill requires States which are not already pulling their weight, to make a higher level of tax dollar expenditure for the school lunch program, but gives them little promise of greater Federal responsibility in return.

I am supporting this bill, but with the strong reservation that we at the Federal level must take a very sympathetic and helpful view of the fiscal problems of States and localities. It is unrealistic from any standpoint for the Federal Government to pile more responsibility on these lower levels of government when there is no prospect that they can be handled there under present circumstances.

I am interested in these things insofar as it will affect the State of New York. Will the gentleman please comment on that situation and what this bill does with regard to mandating expenses to the State?

Mr. STEIGER of Wisconsin. In specific reference to the State of New York, it already provides funds in excess of the requirements of this bill. It now provides, according to the latest data available, 20.9 percent of the matching funds from State tax revenues. That, then, is double the maximum that would be required by H.R. 515. So your State will not have the problem that other States may have in terms of this new requirement.

In my additional views, to the committee report as the gentleman, I know, is familiar, I intended to try to find a way which would ease the burden to the States by providing an incentive or bonus formula with reference to the commodities available from the Federal Government.

Let me say that the Department of Agriculture representatives and I spent quite some time trying to work out a system to accomplish this. However, it was not possible within the limited period of time I had to work on it with them and I had to drop that idea. I hope

to pursue it. Because of the strain on State resources I feel it would be appropriate to make use of the incentive concept.

Mr. HORTON. Mr. Chairman, if the gentleman will yield further. I do want to commend him for his study in this area. He has made an important contribution toward an incentive for those States who will find this a hard burden, especially when they find these expenses mandated requiring additional tax revenues to participate in the program.

Mr. STEIGER of Wisconsin. I thank the gentleman from New York for his comments.

Mrs. GRIFFITHS. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am glad to yield to the distinguished gentlewoman from Michigan.

Mrs. GRIFFITHS. Is there any requirement in this bill that if a State provides a school lunch program for some children that it must also provide a school lunch program for all children?

Mr. STEIGER of Wisconsin. No. The distinguished gentlewoman might discuss that matter with the chairman of the Committee on Education and Labor. I shall appreciate hearing the comments of the chairman on that question.

The amendment that I have proposed is essentially one which would require that the new State tax revenue be utilized solely for the purposes of sections 9 and 11 of the School Lunch Act.

Section 9 of the act relates to the provision of free and reduced price meals to children from low-income families and section 11 provides special assistance to schools in areas having a high concentration of children from low-income families.

The purpose of the amendment is to provide some guidance as to how the additional funds are to be used at the State and local level. It would focus our effort more precisely on those individuals and schools who most urgently need to participate in the program, but are unable to at the present time either because they must pay the full costs of the meals or because the schools themselves do not have food service facilities and equipment.

All of the evidence accumulated to date indicates that approximately 3 million needy students, as defined by the Department of Agriculture, are not now able to participate in the program. Our inability to reach this group with the school lunch program has led many schools to seek funding under title I of the Elementary and Secondary Education Act to feed disadvantaged children. Some \$34 million of ESEA funds are now being spent annually to feed children who should be fed under the auspices of the national school lunch program. This money could be well used for additional educational programs for disadvantaged children, but school officials have found that undernourished children cannot learn no matter how effective the educational program.

At the present time the children who most urgently need the program attend schools in low-income areas which lack the resources to participate in the pro-

gram. The budget requests of the Department of Agriculture for fiscal 1970 seek additional funds to expand the program in these areas, and the bill, H.R. 515, provides for additional funding to be supplied by the States. My amendment simply provides guidelines for the States, so that the funds required by the bill as reported by the committee will be spent in an effective manner.

My amendment will not have any impact on those States which are already making a substantial effort, nor will it require any State to make a contribution any larger than that required by H.R. 515 as reported by the committee. It would require that these additional funds be focused on the areas of greatest need as is presently the case with Federal spending under the provisions of sections 9 and 11 of this act.

That may not be acceptable to the chairman. However, the gentleman from Kentucky and I have discussed this at some length.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the chairman of the committee.

Mr. PERKINS. Section 5 of the bill provides for the additional money with which to meet the requirement on the part of the States.

On page 3 of the bill, commencing on line 5 we say:

For each of the two fiscal years beginning July 1, 1970, State tax revenues appropriated or utilized—

Those two words are in your amendment—

specifically for program purposes in the schools or to defray the cost of intrastate distribution of federally-donated commodities to the schools shall equal at least 4 percent of the matching requirement.

That is as far as we felt we should go. We did not feel that we should limit the space any further. We felt if we did, as this amendment proposes to do, that some school districts would be able to receive free or reduced-price school lunches while others would not receive free or reduced-priced school lunches.

Also, if the gentleman can find any administrator in Government, especially those in the Department of Agriculture who have had anything to do with this school lunch program, that will state that the gentleman's amendment will work effectively, I certainly would accept the amendment on my part as chairman of the Committee on Education and Labor. However, everyone with whom I have talked tells me that it is completely unworkable. In addition to that, this formula, this requirement on the part of the States, was placed in here to keep the school lunch program solvent for all of the schoolchildren in America.

Now, section 11—the one you are talking about—the needy youngster, the needy school child, I think the members of the committee know that we are all interested in them and should give preference to the needy school child.

Some money has been taken out of the specialty program, and I agree with the gentleman from Wisconsin, I believe that

was a mistake, and I do not know whether it was put in section 11, but we have additional money in section 11. But I still say there is not nearly enough money in section 11. But we have all the authority in the world we need to do something for the needy schoolteachers in section 11, and in the Nutrition Act where we provide free breakfast and equipment for the needy schoolchildren. But the amendment offered by the gentleman from Wisconsin will disrupt the whole school lunch program overall for all the schoolchildren in America, and throw the whole thing out of gear.

The amendment originally—the matching requirement—was put in there to keep the whole school lunch program up.

Mr. STEIGER of Wisconsin. I appreciate the gentleman taking my time to oppose my amendment. I only would say to the gentleman that it is quite clear, the record is there, and the record of the hearings of the committee both of last year and this year. There are some 100,000 schools in the country; 75,000 of the schools have the program; 25,000 do not. Of those 25,000, a substantial number are located in areas where the need is greatest.

I am trying to utilize the limited funds that are available to service the largest possible number of needy children which I believe is the goal we are all striving for.

Mr. Chairman, I shall not take the time of the Committee at this point to go into any further detail.

Mr. HALL. Mr. Chairman, would the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the gentleman yielding on that point.

Mr. Chairman, I am not always in favor of evangelical zeal to extend a sociological program to the nth degree, to the end result of all arithmetical progression, but I believe I perhaps would be in this case, or the milk program for children.

Be that as it may, I have taken considerable interest in this program, and I have visited on National School Lunch Day various schools, junior high schools, high schools, grade schools, schools at the elementary and secondary levels throughout the district that I am privileged to represent. I believe they do a good job. I know there is a lot of pride on the part of the people who prepare and serve the lunches.

As a physician I am not particularly worried about the nutritional aspects because these people have been feeding their families, by and large, for a long time.

My question is pertaining to some rumors that are coming back to me by mail that maybe they are going to throw all of these people out who have been preparing these lunches for years, who have made the program a success, who have such pride in it, and who are doing a good job—and this can be seen in the complexions and faces of the children who partake of the school lunches—and contract it out to profitmaking organizations.

In the first place, Mr. Chairman, I do not believe we can even do that. In the second place, I believe and I know that it would immediately raise the cost of the school lunch program. And in the third place, I have literally less the zeal to spread this to the point of no return, including all. I believe a pilot program for mercenaries to feed our children, rather than the cooperative effort of school boards to do this, will fall on foul play and do more damage to the program than it does good.

I wonder if the gentleman could make a few remarks about the school pilot project where we have been hiring Hot Shoppes, or Stokeley-Van Camp, or someone else to come into the schools and actually subsidize the schools in an effort to hire the so-called mercenaries—and I have nothing against an honest profit, but I just do not believe it applies here when we started this program out on the basis of getting rid of surplus foods, and nourishing foods that we have in our national warehouses.

Mr. STEIGER of Wisconsin. The gentleman from Missouri is correct in saying that there are, at this point, something like six pilot programs which have not yet been started. No contracts have yet been signed. None are in operation as of today.

The six that they have proposed, may I say to the gentleman from Missouri, are only directed at schools in which there are no facilities for serving hot lunch programs. We have had a serious problem, particularly in cities like Cleveland, Ohio, and Detroit, Mich., where a vast number of older schools have no kitchen facilities. They are going to try to find out whether it is economically feasible and effective to utilize profit making concerns to serve meals in those schools.

Mr. HALL. My premise, if the gentleman will yield further—my premise that it is the zeal and the enthusiasm to spread the program into needy areas produces these spurious telegrams.

Mr. STEIGER of Wisconsin. No, sir. I do not think that is correct. The Department of Agriculture in testimony before the committee—did not see changes in this bill to allow the Department to go into the profit-making area.

I, for one, support the Department in its effort to explore the feasibility of using the resources of the private sector.

Mr. HALL. Whether it is called zeal or equity or whatnot. I think this is a sound program and I would not want to, speaking for myself, see it die by its own weight.

Would it be better to teach or to train people in these schools, even if they have to pay for their own services—as happens in Army bases and camps—where they could bring in a setup on the playground in order to have a school lunch program or have it taken over by the school board or the PTA and let them handle it locally?

I strongly hope and recommend that this project not go any farther and that it die in travail unborn.

Mr. PRICE of Texas. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman.

Mr. PRICE of Texas. I would like to ask the gentleman if at any time the U.S. Department of Agriculture in the question and answer period, was there anything brought out about the amount of imported cheese and powdered milk or beef of any kind being used in the school lunch program?

Mr. STEIGER of Wisconsin. To the best of my knowledge the question may have been asked and the answer was that only very little, if any at all, of the obviously inferior imported dairy products are being used in this fine program.

Mr. PRICE of Texas. I know that the gentleman has been greatly interested in the dairy products that are used and brought into this country—products that are imported and that they had increased by 300 percent. On the dairy imports in this case, I think we want to be aware of the fact that we are not furnishing a program just to promote that kind of operation when it comes to beef and cheese and things of that nature. I think it should be looked into in depth.

Mr. STEIGER of Wisconsin. I concur with the gentleman and I am sure the committee will be very watchful when it comes to that.

Mr. PERKINS. Mr. Chairman, I yield 5 minutes to the gentlewoman from Michigan (Mrs. GRIFFITHS).

Mrs. GRIFFITHS. Mr. Chairman, with real reluctance I would support this bill.

Mr. Chairman, in my judgment, it is almost a hypocrisy to say that we are feeding the children of America. The children of America that need to be fed are not being fed by the school lunch program. We are feeding moderate- and high-income children a meal that is subsidized by the Federal Government.

Under this bill, we are attempting to get up to 10 percent of the cost from the States. I would like to point out to you that many of these States really cannot afford this and the local school districts cannot afford to equip a school to feed children who need to be fed.

I have introduced into this Congress a bill, H.R. 8585, which would feed every child in America, at cost for those who could pay; for those who could not afford to pay, would be at the expense of the Government. I would feed them not one but three meals a day 52 weeks a year. The total cost of that program would be approximately \$2.5 billion over that which is now being spent. That bill is my answer, really, to a guaranteed annual income. I am for guaranteeing that children under 16 years of age have a decent diet.

I would like to point out to you that at the present time the Agriculture Department has a program set up to teach people how to eat and how to cook. They are going to hire 5,300 people by the first day of July at a cost of \$1.98 per hour—I figured that out to amount to almost a half million dollars a week—to go to 200,000 families and teach them how to cook.

I would like to point out to you that I know how to cook. In order to be able to cook a decent, nutritious meal you

have to have available to you a wide selection of foods. You have to have a constant source of heat. You have to have a constant source of refrigeration. And you have to have transportation to a market.

We are not going to put into a guaranteed income, nor any welfare program, sufficient money to cover such expenses and the Department of Agriculture is not going to, according to their figures, is not going to guarantee the things that are necessary to cook a nutritious meal. It would be cheaper for everyone if we would simply take the children in the school system and feed them. Those children can be relied upon to teach their parents. But of all the bills that can be introduced into this Congress—the bill now before you works most unfairly against the big-city schools.

I would like to point out that in Minneapolis, Minn., only nine elementary schools out of a total of 71 participate in the school lunch program—51 percent of the children in the city are excluded because they go to schools with no facilities.

In Detroit, Mich., 79 out of 224 elementary schools participate. But of those not participating, 78 are located in the slums.

In Springfield, Mass., one-third of the elementary schools are eliminated from the school lunch program because they have no facilities.

I would also like to point out on behalf of the South that while these statements go uniformly across northern cities, the investigators found that in the Southern States, in big cities there was no uniform exclusion of children. They uniformly fed them a school lunch.

I am for a bill that guarantees that those who do not now eat, those who are the hungriest, those who are the poorest, be fed. What we are going to do in this bill is to require that your State now pay at least 10 percent of the lunch bill for those in moderate to well-to-do circumstances.

The CHAIRMAN. The time of the gentlewoman from Michigan has expired.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield 2 additional minutes to the gentlewoman from Michigan.

The CHAIRMAN. The gentlewoman from Michigan is recognized for 2 additional minutes.

Mr. PERKINS. Mr. Chairman, will the gentlewoman yield?

Mrs. GRIFFITHS. I yield to the gentleman from Kentucky, the committee chairman.

Mr. PERKINS. Let me compliment the gentlewoman from Michigan (Mrs. GRIFFITHS) for offering her school lunch program. I am the first to admit that we are not doing enough in this country for the children really in need. We wrote section 11 into the school lunch program and it went for 3 years and we did not get a dime of money to concentrate on the needy schoolchildren in the ghettos and the real rural areas where they needed it.

Mrs. GRIFFITHS. In the first place, may I say to the gentleman, the school lunch program really is a welfare program. It is entirely possible many parents would not like to admit this, but more

than 25 percent of this bill is being paid by the Federal Government. Perhaps in the strata to which the lunch program is extended, we should refer to it as a subsidized program, but this program should be under the control of the welfare department. It is a very big problem to the school system. They do not want to go into the problem of who needs the lunch. They do not want to see to it that children are protected who are receiving free lunches. They do not try to set up a program that gives a parent with several children in the school a reduced price on these lunches.

So in reality when this program is passed, Bloomfield Hills, which has a very high income, and also Grosse Point, Mich., will be getting subsidized school lunch programs, but in the ghettos of Detroit, nobody will be fed.

I make these points because I feel that the average person in this country believes that every child can get his lunch at school. I am sure that Americans are not willing that children go hungry; nor that a subsidized program be available only to a limited number of children.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield to the gentleman from Hawaii (Mr. MATSUNAGA) such time as he may consume.

Mr. MATSUNAGA. Mr. Chairman, as one who in the past has voted for the National School Lunch Act and the Child Nutrition Act of 1966, I rise in support of H.R. 515, which would strengthen and clarify these two outstanding programs to aid the children of America.

When the Child Nutrition Act of 1966 was being considered by this body on September 1 of that year, I urged the enactment of that measure as a logical sequel to the two then existing programs, the national school lunch program and the special school milk program, both of which were, and they still are, highly acclaimed for their valuable contributions to the health and well-being of boys and girls in elementary and secondary schools. We were more concerned then with the goals we sought to reach than with the means to be used in their attainment. A hungry schoolchild, we said, is a child in need of adequate amounts of good wholesome food. By means of the Child Nutrition Act of 1966, we agreed such food would be provided these hungry and malnourished schoolchildren.

We were not seriously concerned then, but we are deeply concerned today, with respect to the possible adverse psychological effects upon the children these programs are designed to benefit. There is ever present the possibility that irreparable harm might unwittingly be inflicted upon a recipient child who may smart under the stigma, real or imagined, that he is somehow different from his schoolmates who are not beneficiaries under any of the programs.

H.R. 515 recognizes that a child in need may also be a proud and self-respecting individual. It therefore not only spells out the basis of need criteria, but it also does something which I believe is of equal if not greater importance. H.R. 515 specifically provides that the anonymity of the participating school child shall be preserved.

Another provision of the legislation

that is particularly noteworthy is the concept of granting advance funding authority which Congress adopted in the Vocational Education Act Amendments of 1968. Its inclusion in H.R. 515 ought to insure the continuity and reliability of the children's food service programs presently in operation.

The aim of these programs clearly is to provide nutritional meals to children. This aim would be thwarted if the participating children are served meals that are not well-balanced and nutritious. Nutrition education activities on the part of personnel involved in the several programs are therefore essential, and H.R. 515 meets this need by authorizing nutrition training in connection with the school food service programs.

Mr. Chairman, these and other provisions in H.R. 515 make it a necessary implementing vehicle to strengthen our existing children's food service programs. It deserves our unanimous vote.

(Mr. MATSUNAGA asked and was given permission to revise and extend his remarks.)

Mr. GILBERT. Mr. Chairman, there are several features of the bill before us today which I believe are particularly important. The first of these is the provision that States shall begin to put up some money from their own resources to meet part of matching requirements under the school lunch program. There has been a matching formula in the National School Lunch Act since that measure was passed in 1946. That matching formula requires the States to put up \$3 for every dollar of Federal cash reimbursement provided for the regular lunch program. There has never been any problem for the States in meeting these matching requirements, frequently without putting up a dime of State tax money except for State administrative expenses. This has been and is possible because children's payments for the lunches served have always counted toward the matching requirement. Very few States have put in substantial amounts of money to assist in expanding the lunch program for their children.

We are not eliminating children's payments as a State asset in meeting the requirement. We are just saying that all States—and not just some States—must begin to put up some money to help feed youngsters in the school lunch program. To facilitate adjustment to this, we are providing that the child nutrition programs may be funded a year in advance. In this way, the States will know well ahead of date how much they will need to appropriate as their share. And perhaps even more important, the States will be able to plan ahead for program expansion. Local schools will be able to set meal prices with confidence at the beginning of the school year because they will know what level of Federal and State support they can count on.

The bill before us also strengthens provisions prohibiting identification of children unable to pay the full cost of lunches and authorizes grants to States for nutrition training in connection with school food service programs.

Mr. Chairman, I rise in support of these provisions to amend and strength-

en the National School Lunch Act. I do not think anyone questions the value of this program. We have witnessed its success; we are aware of the need to continue the program and to make it available to more needy children. The school lunch program is one of the most effective means of reaching children in poverty areas—both urban and rural—and of providing every schoolchild with at least one nutritious meal a day.

Mr. VANIK. Mr. Chairman, while I support today, as I have in the past, continued improvements in the children's food service programs, I am deeply concerned about the implications of section 2(b) of H.R. 515, the legislation before us today.

This section requires that beginning in fiscal year 1971—about 15 months from now—the State appropriated funds must equal at least 4 percent of the matching requirements of the school lunch program. In fiscal 1973, the matching requirement will rise to 6 percent, in fiscal 1975, to 8 percent, and after fiscal 1977, it will rise to 10 percent.

In my State of Ohio, schoolchildren benefit from \$5.5 million in Federal funds for the school lunch program. This is matched by some \$16.5 million in local funds, with the State picking up certain administrative expenses. This will mean that in 15 months, the State of Ohio will have to come up with an additional \$670,000 in educational funds to allow continued participation in this vital program.

Ohio is a rich State, and I have long deplored its failure to provide more educational assistance for the hard-pressed local school districts of the State. The past year has seen dozens of local levies and bond issues for the support of schools defeated in Ohio. Services and actual schooldays in the major city of Youngstown have been curtailed. A number of smaller cities and villages have suffered a "taxpayers revolt" against school taxes. What is needed is to remove some of the tax burden from the local levels. And yet the tax situation on the State level, the burden of taxes, and perhaps, the inability of many of the States to tax themselves to provide for needed services is also one of the greatest problems facing the Nation.

This is not the time to require the States to pick up 4 to 10 percent of the program cost. It would be my hope, in fact, that the Federal Government could provide a larger proportion of the funding of the program, thus relieving the States and local communities of this special burden.

At this very time of general concern over hunger and malnutrition in America, it would be tragic to jeopardize the success of the school lunch program.

Mr. DANIELS of New Jersey. Mr. Chairman, the bill, H.R. 515, is designed to make needed permanent changes in the National School Lunch Act and the Child Nutrition Act to provide better use of the funds authorized.

The amendments proposed in H.R. 515 in and of themselves do not affect the authorizations of appropriations.

As the report on the bill indicates, H.R. 515 was supported by the former admin-

istration and is supported by the present administration.

So this bill is a bipartisan bill supported by the present Republican administration and the preceding Democratic administration and is supported by the members, majority and minority, of the Committee on Education and Labor.

The purpose of the legislation is to make sure that we are discharging our responsibility to provide the framework so that if the Congress, wearing its appropriations hat, provides the necessary financing, no child will have his learning ability impaired because he or she is hungry.

As a result of the rather extensive hearings conducted in 1968 by the Committee on Education and Labor, as well as a result of House approval of three bills, one of which was substantially the same as the present bill, the Department of Agriculture was given for fiscal year 1969 an additional \$43 million for support of school food services being extended to hungry children. In the current fiscal year that \$43 million is supporting the provision of free or reduced-price meals to 1,000,700 who were not receiving the service last year.

Currently, school food service programs, administered by the Department of Agriculture, are reaching a total of 19,400,000 children, of whom 4,100,000 are receiving free or reduced-price meals. This means that slightly more than one out of every five meals being served under Department of Agriculture assisted programs is going to a needy child.

As good as that record is it must be better. The best estimate that we have is that the total number of children in need of free or reduced-price meals is in the neighborhood of 6.5 million so we are falling short by about 2.5 million children.

The budget request for fiscal year 1970 adds about \$291 additional million for school feeding purposes of which approximately \$111 million is proposed for section 11 purposes.

This is a section added to the School Lunch Act in 1962 which provides special assistance to schools drawing attendance from areas in which poor economic conditions exist for the purposes of helping such schools to meet the requirement of section 9 of this act concerning the service of lunches to children unable to pay the full cost of such lunches.

We have the testimony of former Secretary Freeman and of those designated to speak for Secretary Hardin that these will enable the Department to achieve the goal of this house that there shall be no hungry child attending school or in an institutional environment any place in the United States.

I urge approval of this legislation.

Mr. DONOHUE. Mr. Chairman, I would hope and urge that this House speedily approve this measure before us, H.R. 515, designed to improve and expand the provisions of the National School Lunch Act and the Child Nutrition Act of 1966.

The provisions in this present measure

will clarify the responsibilities related to providing free and reduced-price meals and prevent discrimination against children. The bill's provisions will also and more equitably revise the current program's State fund matching requirements and consolidate and strengthen the nutrition training and food service programs for all the children in our schools and service institutions.

In other words, this bill is proposed and designed, based upon the experience of previous legislation, to make the food service programs for school children in the country totally effective.

The foods to be provided to our children under these programs will be guaranteed to contain nutrients essential for good health; they will give the schoolchild a healthy start each morning for a wholesome day of the fullest accomplishment and instruct each individual in the formation of proper diet habits. It is axiomatic that a healthy child is a happy child and that a well-nourished child learns better than an undernourished child.

In brief, this bill represents a most prudent investment in the future of America through the encouragement of a healthy, well-nourished, wholesome American youth in the best educational environment we can devise. Let us approve this patriotic investment without further delay.

Mr. STEIGER of Wisconsin. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. There being no further requests for time, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

FREE AND REDUCED-PRICE MEALS

(a) Section 9 of the National School Lunch Act (42 U.S.C. 1751) and section 4(e) of the Child Nutrition Act of 1966 (42 U.S.C. 1771) are each amended by inserting after the second sentence, a new sentence: "Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions."

(b) Section 9 of the National School Lunch Act is further amended by inserting before the period at the end of the former third sentence, and section 4(e) of the Child Nutrition Act of 1966 and section 13(f) of the National School Lunch Act are further amended by inserting before the period at the end of the former fourth sentences of each the following: "nor shall there be any overt identification of any such child by means such as special tokens or tickets or by announced or published lists of names".

(c) Section 13(f) of the National School Lunch Act is amended by inserting after the second sentence, a new sentence: "Such determinations shall be made by the service institution authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions."

APPROPRIATION AND MATCHING

SEC. 2. (a) Section 3 of the National School Lunch Act is amended by inserting at the end thereof: "Appropriations to carry out the provisions of this Act and of the Child Nutrition Act of 1966 for any fiscal year are authorized to be made for any advance of the beginning of the fiscal year in which the funds will become available for disbursement to the States."

(b) Section 7 of the National School Lunch Act is amended by inserting immediately before the last sentence of the section the following:

"For each of the two fiscal years beginning July 1, 1970, State tax revenues appropriated or utilized specifically for use for program purposes in the schools or to defray the cost of intrastate distribution of federally-donated commodities to the schools shall equal at least 4 per centum of the matching requirement; for each of the two succeeding fiscal years, at least 6 per centum of the matching requirement; for each of the subsequent succeeding two years, at least 8 per centum of the matching requirement; and for each fiscal year thereafter, at least 10 per centum of the matching requirement."

(c) The first sentence of section 10 and section 12(d)(5) of the National School Lunch Act are amended by striking the words "preceding fiscal year" and inserting in lieu thereof the following: "latest completed program year immediately prior to the fiscal year in which the Federal appropriation is requested".

NUTRITION TRAINING AND EDUCATION

SEC. 3. Section 6 of the National School Lunch Act (42 U.S.C. 1755) is amended by striking the entire first sentence and inserting in lieu thereof the following: "The funds appropriated directly or by transfer from other accounts for any fiscal year for carrying out the provisions of this Act, and for carrying out the provisions of the Child Nutrition Act of 1966, other than section 3 thereof, less not to exceed 3½ per centum thereof which per centum is hereby made available to the Secretary for his administrative expenses under this Act and under the Child Nutrition Act of 1966, less the amount apportioned by him pursuant to sections 4, 5, and 10 of this Act less the amount appropriated pursuant to section 11 and section 13 of this Act and sections 4, 5, and 7 of the Child Nutrition Act, and less not to exceed 1 per centum of the funds appropriated for carrying out the programs under this Act and the programs under the Child Nutrition Act of 1966 other than section 3 which per centum is hereby made available to the Secretary to supplement the nutritional benefits of these programs through grants to States and other means for nutritional training and education for workers, cooperators, and participants in these programs and for necessary surveys and studies of requirements for food service programs in furtherance of the purposes expressed in section 2 of this Act and section 2 of the Child Nutrition Act of 1966, shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools and service institutions participating in the food service programs under this Act and under the Child Nutrition Act in accordance with the needs as determined by the local school and service institution authorities."

INCLUSION OF TRUST TERRITORY

SEC. 4 (a) Section 12(d)(1) of the National School Lunch Act is amended by striking the word "or" that precedes the term "American Samoa" and by adding at the end of the sentence the following: "or the Trust Territory of the Pacific Islands."

(b) Section 15(a) of the Child Nutrition Act of 1966 is amended by striking the word "or" that precedes the term "American

Samoa" and by adding at the end of the sentence the following: "or the Trust Territory of the Pacific Islands".

(c) The National School Lunch Act and Child Nutrition Act of 1966 are amended by inserting the phrase, "and the Trust Territory of the Pacific Islands" after the term "American Samoa" wherever that term appears in such Acts other than in the sections amended by subsection (a) and (b) of this section and other than the proviso in section 11(b) and in section 4 of the National School Lunch Act.

EQUIPMENT RENTAL

SEC. 5. Section 5(c) of the Child Nutrition Act of 1966 is amended by striking the period at the end of the first sentence and inserting at the end thereof "through purchase or rental."

STATE ADMINISTRATIVE EXPENSES

SEC. 6. (a) Section 7 of the Child Nutrition Act of 1966 is amended by inserting in the first sentence following the phrase "its administrative expenses", the following: "or for the administrative expenses of any other designated State agency", and by inserting after the phrase "the local school districts", the words "and service institutions".

(b) Section 7 of the Child Nutrition Act of 1966 is further amended by inserting at the end of the second sentence the following: "including additional activities undertaken in the distribution of donated commodities."

REGULATIONS

SEC. 7. (a) Section 9 of the National School Lunch Act is amended by inserting at the end thereof a new sentence: "The Secretary is authorized to prescribe terms and conditions respecting the use of commodities donated under said section 32 and section 416 of the Agricultural Act of 1949 as will maximize the nutritional and financial contributions of such donated commodities in schools receiving such commodities."

(b) Section 10 of the Child Nutrition Act of 1966 is amended by striking the period at the end thereof and inserting the following: "and the National School Lunch Act, including regulations relating to the service of food in participating school and service institutions in competition with the programs authorized under this Act and the National School Lunch Act. In such regulations the Secretary may provide for interchange of funds by any State between the programs authorized under this Act and the National School Lunch Act on the basis of an approved State plan of operation for the use of the funds and may provide for the reserve from the apportionments to the States of not to exceed 1 per centum of available funds for special developmental projects."

Mr. PERKINS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

On page 3, line 16, after "appropriated" insert "or utilized", and strike out "for use".

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEIGER of Wisconsin: On page 3, line 24, immediately after the period insert: "The State tax revenues,

made available pursuant to the preceding sentence, shall be expended, to the extent the State deems practicable, proportionate to the State's allocation of Federal funds for programs authorized under sections 4 and 11 of the National School Lunch Act, section 4(a) as amended, and section 5 of the Child Nutrition Act of 1966."

(Mr. STEIGER of Wisconsin asked and was given permission to revise and extend his remarks.)

Mr. STEIGER of Wisconsin. Mr. Chairman, this amendment does not do what I would like to have done as I stated earlier. It does, however, meet with the approval of the chairman of the committee.

I should be quite honest with the members of this committee in telling them that my concern is if we do not adopt something along this line, we will have defaulted in our responsibility to assure that those children in greatest need of nutritional supplements do in fact receive them.

This amendment, very simply, would say that the new State tax revenue required by H.R. 515 shall be expended, to the extent practicable, proportionate to the State's allocation of Federal funds for programs authorized under sections 4 and 11 of the National School Lunch Act, section 4(a), as amended, and section 5 of the Child Nutrition Act of 1966.

Mr. PERKINS. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Kentucky, the chairman of the committee.

Mr. PERKINS. Mr. Chairman, I am altogether in accord with the purposes that the gentleman is seeking to accomplish. I know later on all of us will have the opportunity to support legislation for the most needy school youngsters.

But, if I understand the gentleman's amendment correctly, the amendment now reads:

The State tax revenues, made available pursuant to the preceding sentence, shall be expended, to the extent the State deems practicable, proportionate to the State's allocation of Federal funds for programs authorized under sections 4 and 11 of the National School Lunch Act, section 4(a), as amended, and section 5 of the Child Nutrition Act of 1966.

Is that the exact wording of the gentleman's amendment which he is now offering?

Mr. STEIGER of Wisconsin. It is.

Mr. PERKINS. Mr. Chairman, I have no objections to that amendment, and I do not think anyone on this side of the aisle has any objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEIGER of Wisconsin: On page 7, after line 18, insert:

"COORDINATION OF EFFORT

"SEC. 8. Section 6 of the National School Lunch Act is amended by inserting at the end thereof the following: "The Secretary of Agriculture and the Secretary of Health, Edu-

cation, and Welfare shall cooperate in a coordinated effort (1) to develop curriculums, training programs, and materials to be made available to educational institutions for the improvement of training and education in nutrition for professional and paraprofessional persons engaged in school food service, and to be made available to State and local school systems upon their request for use in nutrition education and training for students; and (2) to evaluate the adequacy and effectiveness of food programs conducted under the authority of various acts administered by the Department of Agriculture and the Department of Health, Education, and Welfare in meeting the nutritional and health needs of schoolchildren (including children in preschool programs)."

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes in support of his amendment.

Mr. PERKINS. Mr. Chairman, I would like to ask the gentleman a question.

Mr. STEIGER of Wisconsin. I will be happy to yield to the chairman.

Mr. PERKINS. Mr. Chairman, personally I entertain some reservations about this amendment, because I think the coordination is presently taking place between HEW and OEO and the Department of Agriculture, but at the State level I am wondering if the wording of that amendment would interfere with the distribution of the commodities or any reimbursable funds that are made available to the various local school lunch programs. What is the gentleman's response to that?

Mr. STEIGER of Wisconsin. Mr. Chairman, I would respond to your question by saying that this in no way affects anything at the State or local level. The amendment quite clearly states the Secretary of Agriculture, who in the end has responsibility for this program, and the Secretary of Health, Education, and Welfare shall cooperate in a coordinated effort: First, to develop curriculums, training programs, and materials to be made available to educational institutions for the improvement of training and education in nutrition for professional and para-professional persons engaged in school food service, and to be made available to State and local school systems upon their request for use in nutrition education and training for students, and Second, to evaluate the adequacy and effectiveness of food programs conducted under the authority of various acts administered by the Department of Agriculture and the Department of Health, Education, and Welfare in meeting the nutritional and health needs of school children, including children in preschool programs.

The amendment would insure the cooperation of the secretaries and would: First, make available to the Department of Agriculture the knowledge now in HEW about the state of the Nation's health and nutritional needs, in order to provide for more realistic program evaluation; second, make available to those administering the school lunch program sufficient expertise to insure a proper emphasis on the educational benefits of the program; and third, make abundantly clear the desire of the Congress that the agencies expending funds under title I of ESEA and the School Lunch Act work together to insure bene-

fits for all who qualify while keeping duplication of effort to a minimum.

Mr. PERKINS. One further question. Does the gentleman's amendment in any way affect the Department of Agriculture in the procurement, distribution, and donation of the various commodities to the States and local educational agencies? Is that your interpretation of the amendment? It does not affect it in any way?

Mr. STEIGER of Wisconsin. It in no way affects procurement, distribution, or donations of commodities.

Mr. PERKINS. Then, the sole purpose of the gentleman's amendment, I take it, is to coordinate at the Federal level with the Office of Economic Opportunity, the Department of Health, Education, and Welfare, and the Department of Agriculture to make sure that no funds are thrown out or wasted. Is that correct?

Mr. STEIGER of Wisconsin. That is correct with one exception, the Office of Economic Opportunity is not included in the amendment. It is designed to insure that there is cooperation between the Departments of Health, Education, and Welfare and the Department of Agriculture.

Mr. PERKINS. Now another question. Your amendment does not in anywise, I take it, interfere with the training programs presently going on and inaugurated by the Department of Agriculture under the State extension service?

Mr. STEIGER of Wisconsin. No, sir.

Mr. PERKINS. And under the Cooperative Educational Act; is that correct?

Mr. STEIGER of Wisconsin. No, sir; that is not correct.

Mr. PERKINS. Now, if in the event of a dispute about the distribution of commodities or dispute about the reimbursement of funds would the gentleman's amendment as presently written prohibit the Department of Agriculture from making any determination, assuming that everyone did not go along in the manner in which they should?

Mr. STEIGER of Wisconsin. No, sir.

Mr. KYL. Mr. Speaker, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Iowa.

Mr. KYL. The gentleman from Wisconsin is a member of the committee which brings this bill to the floor; is he not?

Mr. STEIGER of Wisconsin. Yes, sir.

Mr. KYL. A moment ago the gentleman introduced an amendment which was agreed to by the chairman of the full Committee on Education and Labor. He said he knew there was no objection to that amendment on that side of the aisle.

Now we have an amendment which has been introduced here in the Committee of the Whole House on the State of the Union and apparently there was not any disagreement on this one.

I would like to ask the gentleman why these amendments were not brought up in the committee before this bill came to the floor.

Mr. STEIGER of Wisconsin. In response to the question of the gentleman from Iowa, I must say that every effort was made to get this bill out onto

the floor for consideration as quickly as possible. The chairman of the full committee, at the time this bill was considered, wanted to have it brought to the floor under a suspension of the rules on the Suspension Calendar, with 20 minutes of debate for each side with no amendments allowed. I objected to that procedure because I felt there were amendments which could be considered and would improve the program. Furthermore I wanted to protect the rights of the Members of the House to work their will.

Mr. KYL. Mr. Chairman, if the gentleman will yield further, would it have taken any longer in the committee to consider these amendments as it now takes on the floor to consider them?

Mr. STEIGER of Wisconsin. Not necessarily.

Mr. KYL. The gentleman's committee sometimes confuses me in its deliberations. It seems to me that each time one of these bills comes to the floor from the Committee on Education and Labor it has to be rewritten on the floor. It makes me wonder when a bill comes from the Committee on Education and Labor and is considered on the floor, they expect the Committee of the Whole House on the State of the Union to automatically put a rubberstamp on it.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

(By unanimous consent, Mr. STEIGER of Wisconsin (at the request of Mr. EDMONDSON) was allowed to proceed for 1 additional minute.)

Mr. EDMONDSON. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I am glad to yield to the gentleman from Oklahoma.

Mr. EDMONDSON. The principal thrust of the changes which the gentleman from Wisconsin is seeking is to endeavor to do is more along the line of issuing free or reduced-priced lunches in order to see that they will go to those whose need is the greatest in the school districts and areas where the need is greatest; am I correct on that?

Mr. STEIGER of Wisconsin. That was taken care of in the amendment that the Committee of the Whole House on the State of the Union just adopted. The one which we are now considering is to establish cooperation between the Department of Agriculture and the Department of Health, Education, and Welfare.

Mr. EDMONDSON. Mr. Chairman, if the gentleman will yield further, I have just looked at some of the figures which indicate the failure of the school lunch program as presently administered in many States to reach many of the children whose need is really acute. And, I must say that it was an eye opener to me in the case of my own State as well as in a number of other States as to the condition which now exists.

Will the gentleman's amendment as offered substantially improve that situation?

Mr. STEIGER of Wisconsin. Only if it is coupled with companion bills now pending before the Committee on Education and Labor and the appropriation of funds in the administration's agricultural budget requests for fiscal year 1970.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

(By unanimous consent, Mr. STEIGER of Wisconsin (at the request of Mr. HALL) was allowed to proceed for 1 additional minute.)

Mr. HALL, Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Missouri.

Mr. HALL. I simply have a question of information, Mr. Chairman.

I would like to ask the gentleman if his second amendment, or the so-called coordinating amendment would, if adopted, coordinate some of the projects and school lunch programs being operated by the OEO along with the Secretary of the Agriculture and the Secretary of HEW?

Mr. STEIGER of Wisconsin. No, sir; the amendment reflects my concern for the development of nutrition education programs. The Office of Economic Opportunity is outside the purview of the amendment.

Mr. HALL. Mr. Chairman, if the gentleman will yield further, the gentleman stated awhile ago, however, in answer to a query during the colloquy on the floor that the intent of this vocational training was directed toward the purveyors of food to the children and not to the children themselves as to the manner in which the food is being conveyed to children at the various schools who do not have the OEO program.

I believe the amendment offered by the gentleman could well stand the inclusion of these vicarious operations of the OEO.

Mr. STEIGER of Wisconsin. The point raised by the gentleman from Missouri is well taken. I appreciate his contribution on that point.

The CHAIRMAN. The time of the gentleman has again expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ASPINALL) having assumed the chair, Mr. OLSEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions, pursuant to House Resolution 330, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. ASPINALL). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 515) just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

CONGRESSMAN LLOYD MEEDS AND 63 COSPONSORS PRESENT THE DRUG ABUSE EDUCATION ACT OF 1969

(Mr. MEEDS asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, I am today introducing major legislation to help parents, students, and community officials learn more about drugs and their abuse.

Joining with me as cosponsors of this bipartisan bill are the following Members of the House of Representatives:

Mr. PERKINS, Mrs. GREEN of Oregon, Mr. THOMPSON of New Jersey, Mr. DENT, Mr. PUCINSKI, Mr. DANIELS of New Jersey, Mr. BRADENAS, Mr. O'HARA, Mr. CAREY, Mr. HAWKINS, Mr. WILLIAM D. FORD, Mr. HATHAWAY, Mrs. MINK, Mr. SCHEUER, Mr. BURTON of California, Mr. GAYDOS, Mr. AYRES, Mr. ASHBROOK, Mr. REID of New York, Mr. ERLNBORN, Mr. ESHELMAN, Mr. RUTH, Mr. HANSEN of Idaho.

Mr. PELLY, Mrs. HANSEN of Washington, Mrs. MAY, Mr. FOLEY, Mr. HICKS, Mr. ADAMS, Mr. PRICE of Illinois, Mr. FULTON of Tennessee, Mr. KING, Mr. ST. ONGE, Mr. HOWARD, Mr. PRYOR, Mr. BOLAND, Mr. WYATT, Mr. ADDABBO, Mr. CORMAN, Mr. CHARLES H. WILSON, Mr. REES, Mr. KYROS, Mr. BROCK, Mr. HALPERN, Mr. ROSENTHAL, Mr. BURTON of Utah, Mr. POLLOCK.

Mr. WALDIE, Mr. BUCHANAN, Mr. THOMPSON of Georgia, Mr. MIKVA, Mr. SYMINGTON, Mr. BROWN of California, Mr. EDWARDS of California, Mr. RIEGLE, Mr. BINGHAM, Mr. CORDOVA of Puerto Rico, Mr. DON H. CLAUSEN, Mr. GUDE, Mr. PODELL, Mr. MATSUNAGA, Mr. MCCLURE, and Mr. FISHER.

DRUG ABUSE: A HUNDRED FLOWERS OF OPINION

Mr. Speaker, we humans react strangely to the unknown. Often we fear

and attack it blindly. Sometimes we worship it irrationally.

American attitudes toward drugs reflect much of this myth and mystery. For those of us in the "over 30" group, drugs are drugs. Period. We easily conjure up images of dope addicts, pushers, criminals, psychopaths, and the Mafia.

But for many young people, drugs are a source of growing fascination. Certain drugs, they claim, are not only "safe" but desirable. This attitude is fostered partially by culture figures who identify drugs with love, truth, beauty, and peace. While adults have been going to work, paying taxes, and mowing their lawns, an entirely new subculture has developed around drugs.

Too often, I have found, both sides of the generation gap are reluctant to let facts interfere with opinions when it comes to discussing the effects of these drugs.

In 1962 the White House Conference on Narcotics and Drug Abuse stated that:

The general public has not been informed of most of the important facts related to drug abuse and, therefore, has many misconceptions which are frightening and destructive. This situation is due to many causes, among which are the failure of the schools to recognize the problem and provide instruction of equal quantity and quality as that provided for other health hazards.

Misconceptions can interfere with sensible talks between parents and their children. A father may tell his son that marihuana is bad, and the youngster may ask how and why it is different from the alcohol or tobacco used by the parent.

How many parents can talk with their youngsters about "cannabis psychosis," the medical term describing the mental effects of marihuana smoking? How many young people know the relationship between LSD and birth defects? How does a police officer handle a person suspected of drugging?

LSD, marihuana, "speed," hashish, peyote, STP, DMT—these are just a few of the bewildering drugs circulating among more and more youngsters. They are generally classified into four categories: opiates, depressants, stimulants, and hallucinogens.

And they are all illegal.

DRUG ABUSE: THE LAW AND BEYOND

The Congress has approved several laws punishing those who sell, manufacture, and possess narcotics. The most familiar ones are the Harrison Act of 1914, the Marihuana Tax Act of 1937, and the 1965 and 1968 statutes punishing sale and possession of barbiturates, amphetamines, LSD, and similar compounds. Federal law is very tough, even for possession. The penalty for possessing marihuana is 2 to 10 years imprisonment, on the first offense.

Federal laws banning the importation of dangerous drugs have been on the books since 1909. Our Government officials have been very active in this area, as the statistics show. In 1963, for example, they seized 6,432 pounds of marihuana at the borders of the United States. In 1966, they confiscated 23,260

pounds of it. And the figures have been rising since then. In the United States itself, dozens and dozens of illegal laboratories have been raided.

Most of the States have enacted their own drug laws, nearly all of which are very stringent. In Washington State the penalty for the first offense of possessing narcotics is 5 to 10 years in the State penitentiary, plus a fine of \$10,000. If you offer a marijuana cigarette to another person in Georgia, and that person accepts it, the State requires a mandatory death penalty for the second offense.

Our local police are working harder than ever to combat the drug traffic. As of October of 1968, for example, more than 25,000 persons in California had been arrested for selling marijuana.

All of us are anxious to crack down on what former President Johnson termed "the sale of slavery to the young." Justice must be dealt firmly and swiftly to those who manufacture and sell harmful drugs.

But despite the stringent laws and the vigilance by the Government, we must admit that drug usage is continuing to increase.

In early 1968 a Gallup poll taken at 426 college campuses revealed that 6 percent of the students had used marijuana on one or more occasions and that 1 percent had used LSD.

Dr. Stanley Yolles, Director of the National Institute of Mental Health, testified last year that 20 percent of the college youths polled in the NIMH surveys admitted experience with marijuana. Dr. Yolles cautioned that these surveys were made in areas of reported high use and added that there is a definite geographical pattern in drugtaking. States such as California and Florida have abnormally high incidence of drug abuse.

It would be incorrect to assume that the laws have failed. Rather, we must assume that they need to be supplemented by widespread and comprehensive educational programs.

DRUG EDUCATION: WHERE WE STAND

Throughout the past several years there has been a proliferation of literature and films discussing drugs and their abuse. Some of these teaching materials are excellent, such as the FDA's film "The Mind Benders," "Drugs and the Nervous System," by Churchill Films, and "Drug Abuse: Escape to Nowhere," a book published by the National Education Association. Unfortunately, there have also been many publications containing factual inaccuracies, distortions, and ineffective sermonizing.

Responsible and constructive drug education has been hampered by at least three factors: First, lack of effective teacher training; second, uncertainty about and unavailability of the "right" teaching materials; and, third, community resistance to drug education, a reflection of fear and controversy I discussed earlier.

Expensive books, films, and pamphlets are of little use to an educator who is uncomfortable with the subject. Lacking sound preparation, many teachers will naturally avoid the delicate and controversial matter of drugs and their abuse.

Yet, the role of the educator is underlined again and again by the unfortu-

nate atomization of the American family structure, and by the lack of parental expertise on drugs. Let us discuss briefly what the teacher must seek in effective drug education.

First, he must be prepared to correct misconceptions, distortions, and fallacies about the drugs.

Second, the teacher must know what is appropriate to say at a specific age and grade level.

Third, the educator must be competent in deploying the right curriculum, in developing a sensible unit outline, in using audiovisual techniques, in calling upon other community resources, and in devising class projects.

Fourth, the teacher should be able to detect possible student drug use through sound working knowledge of symptoms.

Fifth, the educator must stress the medical, sociological, and psychological aspects of drugtaking. To do this he must also be aware of community customs and mores.

At a time when all of us are concerned about the spiraling cost of education, it is natural that school districts should concentrate on the basics. Funds for drug education would probably be regarded as one of those "extras" that principals and superintendents must explain at meetings of concerned or irate taxpayers.

But as the specter of drug abuse begins to haunt "nice" kids living in "model" neighborhoods, many parents are demanding that something be done.

Panic is no substitute for factual data. Preaching and sermonizing to young people is notoriously ineffective, especially in this age of intellectual sophistication.

Dr. Randolph Edwards, professor of health, physical education, and recreation at Temple University in Philadelphia observed last year that:

A vital ingredient to effective drug-abuse education is the establishment of authoritative teachable curriculum for all grade levels. There is voluminous material available (medical and law enforcement in particular) but it must be made useful and practical to the trained and knowledgeable teacher. They desperately need a structure for information and teaching, particularly for this new subject of narcotics and dangerous drugs.

Let me stress again that we must have authoritative curriculums which have been validated by experts. Young people want to learn more about drugs, but they want the facts, not the assumptions or the myths. And, the educators themselves must be prepared to answer delicate questions from students and be prepared to respond constructively to probes from the uncertain community.

To bridge the generation gap separating parents and youngsters and their attitudes toward drugs, many communities are conducting "drug alert" and similar programs. But many are not. Lack of funds and continuing uncertainty result in inaction. And parents and students succumb to further polarization in their beliefs.

"What can I do? How can I help?" These are sentiments expressed in letters I have received from concerned parents in the Seattle suburbs. Today we are presenting legislation intended to

help the schools and the communities educate persons about drugs.

THE DRUG ABUSE EDUCATION ACT OF 1969

Shortly after the 91st Congress convened in January I began working with experts from the Department of Justice, Bureau of Narcotics and Dangerous Drugs, and from the Department of Health, Education, and Welfare, Office of Education and the National Institute of Mental Health. Spokesmen for private groups also participated.

All of us shared a common goal: to fashion a well-coordinated program in which funds and assistance would be available for effective and meaningful drug education.

The legislation introduced today establishes an Advisory Committee on Drug Abuse Education. The 21 members of the Committee, seven of whom will be nominated by the Attorney General, will review the administration of the act, will make recommendations concerning priorities and improvements in the act, and will evaluate programs and projects funded under the act.

The Commissioner of Education will approve applications for funds only after each application has been submitted for review and comment to the Bureau of Narcotics and Dangerous Drugs and to the National Institute of Mental Health. Likewise, the Commissioner may not approve an application unless he notifies the State educational agency and gives it time to submit comments or recommendations on the proposal.

The authorizations are as follows: \$3 million for fiscal year 1970; \$7 million for fiscal year 1971; \$10 million for fiscal year 1972; and \$12 million for fiscal years 1973 and 1974.

Funds administered under the act may be used to—

First, help educators, law enforcement officials, counselors, and community officials attend short-term or summer institutes on drug education;

Second, provide assistance and funds to school districts or local communities who wish to sponsor drug abuse seminars for parents and others in the community;

Third, make grants available to colleges, universities, and private groups to develop teaching materials about drugs;

Fourth, establish a program for evaluating existing drug abuse curriculums and educational projects;

Fifth, help local school districts set up demonstration projects in drug education; and

Sixth, allow the Commissioner of Education, upon request by the local and State educational agencies, to distribute curriculums and evaluation of curriculums.

The American educational system must throw light upon the intensifying and terrifying aspects of drug abuse in our country. For communities alarmed by increased drugtaking, there must be more cooperation and less combustion. Educators and public officials must pursue the subject openly, frankly, and practically.

New drug education programs in the schools and hard-hitting seminars for parents and other adults will furnish no overnight respite to the drug problem.

91ST CONGRESS
1ST SESSION

H. R. 515

IN THE SENATE OF THE UNITED STATES

MARCH 24, 1969

Read twice and referred to the Committee on Agriculture and Forestry

AN ACT

To amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That—

4 FREE AND REDUCED-PRICE MEALS

5 (a) Section 9 of the National School Lunch Act (42
6 U.S.C. 1751) and section 4(e) of the Child Nutrition

1 Act of 1966 (42 U.S.C. 1771) are each amended by
2 inserting after the second sentence, a new sentence: "Such
3 determinations shall be made by local school authorities in
4 accordance with a publicly announced policy and plan
5 applied equitably on the basis of criteria which, as a
6 minimum, shall include the level of family income, including
7 welfare grants, the number in the family unit, and the
8 number of children in the family unit attending school or
9 service institutions."

10 (b) Section 9 of the National School Lunch Act is
11 further amended by inserting before the period at the end
12 of the former third sentence, and section 4 (e) of the
13 Child Nutrition Act of 1966 and section 13 (f) of the
14 National School Lunch Act are further amended by in-
15 serting before the period at the end of the former fourth
16 sentences of each the following: "nor shall there be any
17 overt identification of any such child by means such as
18 special tokens or tickets or by announced or published lists
19 of names".

20 (c) Section 13 (f) of the National School Lunch Act is
21 amended by inserting after the second sentence, a new sen-
22 tence: "Such determinations shall be made by the service
23 institution authorities in accordance with a publicly an-
24 nounced policy and plan applied equitably on the basis of
25 criteria which, as a minimum, shall include the level of family

1 income, including welfare grants, the number in the family
2 unit, and the number of children in the family unit attending
3 school or service institutions.”

4 APPROPRIATION AND MATCHING

5 SEC. 2. (a) Section 3 of the National School Lunch Act
6 is amended by inserting at the end thereof: “Appropriations
7 to carry out the provisions of this Act and of the Child
8 Nutrition Act of 1966 for any fiscal year are authorized to be
9 made a year in advance of the beginning of the fiscal year in
10 which the funds will become available for disbursement to
11 the States.”

12 (b) Section 7 of the National School Lunch Act is
13 amended by inserting immediately before the last sentence
14 of the section the following:

15 “For each of the two fiscal years beginning July 1, 1970,
16 State tax revenues appropriated or utilized specifically for
17 program purposes in the schools or to defray the cost of
18 intrastate distribution of federally-donated commodities to
19 the schools shall equal at least 4 per centum of the matching
20 requirement; for each of the two succeeding fiscal years, at
21 least 6 per centum of the matching requirement; for each of
22 the subsequent succeeding two years, at least 8 per centum
23 of the matching requirement; and for each fiscal year there-
24 after, at least 10 per centum of the matching requirement.
25 The State tax revenues, made available pursuant to the pre-

ceding sentence, shall be expended, to the extent the State deems practicable, proportionate to the State's allocation of Federal funds for programs authorized under sections 4 and 11 of the National School Lunch Act, section 4(a) as amended, and section 5 of the Child Nutrition Act of 1966."

(c) The first sentence of section 10 and section 12(d)(5) of the National School Lunch Act are amended by striking the words "preceding fiscal year" and inserting in lieu thereof the following: "latest completed program year immediately prior to the fiscal year in which the Federal appropriation is requested".

NUTRITION TRAINING AND EDUCATION

SEC. 3. Section 6 of the National School Lunch Act (42 U.S.C. 1755) is amended by striking the entire first sentence and inserting in lieu thereof the following: "The funds appropriated directly or by transfer from other accounts for any fiscal year for carrying out the provisions of this Act, and for carrying out the provisions of the Child Nutrition Act of 1966, other than section 3 thereof, less not to exceed $3\frac{1}{2}$ per centum thereof which per centum is hereby made available to the Secretary for his administrative expenses under this Act and under the Child Nutrition Act of 1966, less the amount apportioned by him pursuant to sections 4, 5, and 10 of this Act less the amount appropriated pursuant to section 11 and section 13 of this Act

1 and sections 4, 5, and 7 of the Child Nutrition Act, and
2 less not to exceed 1 per centum of the funds appropriated
3 for carrying out the programs under this Act and the pro-
4 grams under the Child Nutrition Act of 1966 other than
5 section 3 which per centum is hereby made available to the
6 Secretary to supplement the nutritional benefits of these
7 programs through grants to States and other means for nu-
8 tritional training and education for workers, cooperators, and
9 participants in these programs and for necessary surveys
10 and studies of requirements for food service programs in
11 furtherance of the purposes expressed in section 2 of this Act
12 and section 2 of the Child Nutrition Act of 1966, shall be
13 available to the Secretary during such year for direct ex-
14 penditure by him for agricultural commodities and other
15 foods to be distributed among the States and schools and
16 service institutions participating in the food service programs
17 under this Act and under the Child Nutrition Act in accord-
18 ance with the needs as determined by the local school and
19 service institution authorities.”

20 INCLUSION OF TRUST TERRITORY

21 SEC. 4. (a) Section 12 (d) (1) of the National School
22 Lunch Act is amended by striking the word “or” that
23 precedes the term “American Samoa” and by adding at the
24 end of the sentence the following: “or the Trust Territory
25 of the Pacific Islands.”

1 (b) Section 15 (a) of the Child Nutrition Act of 1966
2 is amended by striking the word "or" that precedes the term
3 "American Samoa" and by adding at the end of the sentence
4 the following: "or the Trust Territory of the Pacific Islands".

5 (c) The National School Lunch Act and Child Nutri-
6 tion Act of 1966 are amended by inserting the phrase, "and
7 the Trust Territory of the Pacific Islands" after the term
8 "American Samoa" wherever that term appears in such
9 Acts other than in the sections amended by subsection
10 (a) and (b) of this section and other than the proviso
11 in section 11 (b) and in section 4 of the National School
12 Lunch Act.

13 EQUIPMENT RENTAL

14 SEC. 5. Section 5 (c) of the Child Nutrition Act of
15 1966 is amended by striking the period at the end of
16 the first sentence and inserting at the end thereof "through
17 purchase or rental."

18 STATE ADMINISTRATIVE EXPENSES

19 SEC. 6. (a) Section 7 of the Child Nutrition Act of
20 1966 is amended by inserting in the first sentence follow-
21 ing the phrase "its administrative expenses", the follow-
22 ing: "or for the administrative expenses of any other
23 designated State agency", and by inserting after the phrase
24 "the local school districts", the words "and service
25 institutions".

26 (b) Section 7 of the Child Nutrition Act of 1966

1 is further amended by inserting at the end of the second
2 sentence the following: "including additional activities un-
3 dertaken in the distribution of donated commodities."

4 REGULATIONS

5 SEC. 7. (a) Section 9 of the National School Lunch Act
6 is amended by inserting at the end thereof a new sentence:
7 "The Secretary is authorized to prescribe terms and condi-
8 tions respecting the use of commodities donated under said
9 section 32 and section 416 of the Agricultural Act of 1949
10 as will maximize the nutritional and financial contributions
11 of such donated commodities in schools receiving such
12 commodities."

13 (b) Section 10 of the Child Nutrition Act of 1966 is
14 amended by striking the period at the end thereof and insert-
15 ing the following: "and the National School Lunch Act,
16 including regulations relating to the service of food in partici-
17 pating school and service institutions in competition with the
18 programs authorized under this Act and the National School
19 Lunch Act. In such regulations the Secretary may provide
20 for interchange of funds by any State between the programs
21 authorized under this Act and the National School Lunch
22 Act on the basis of an approved State plan of operation for
23 the use of the funds and may provide for the reserve from
24 the apportionments to the States of not to exceed 1 per
25 centum of available funds for special developmental projects."

COORDINATION OF EFFORT

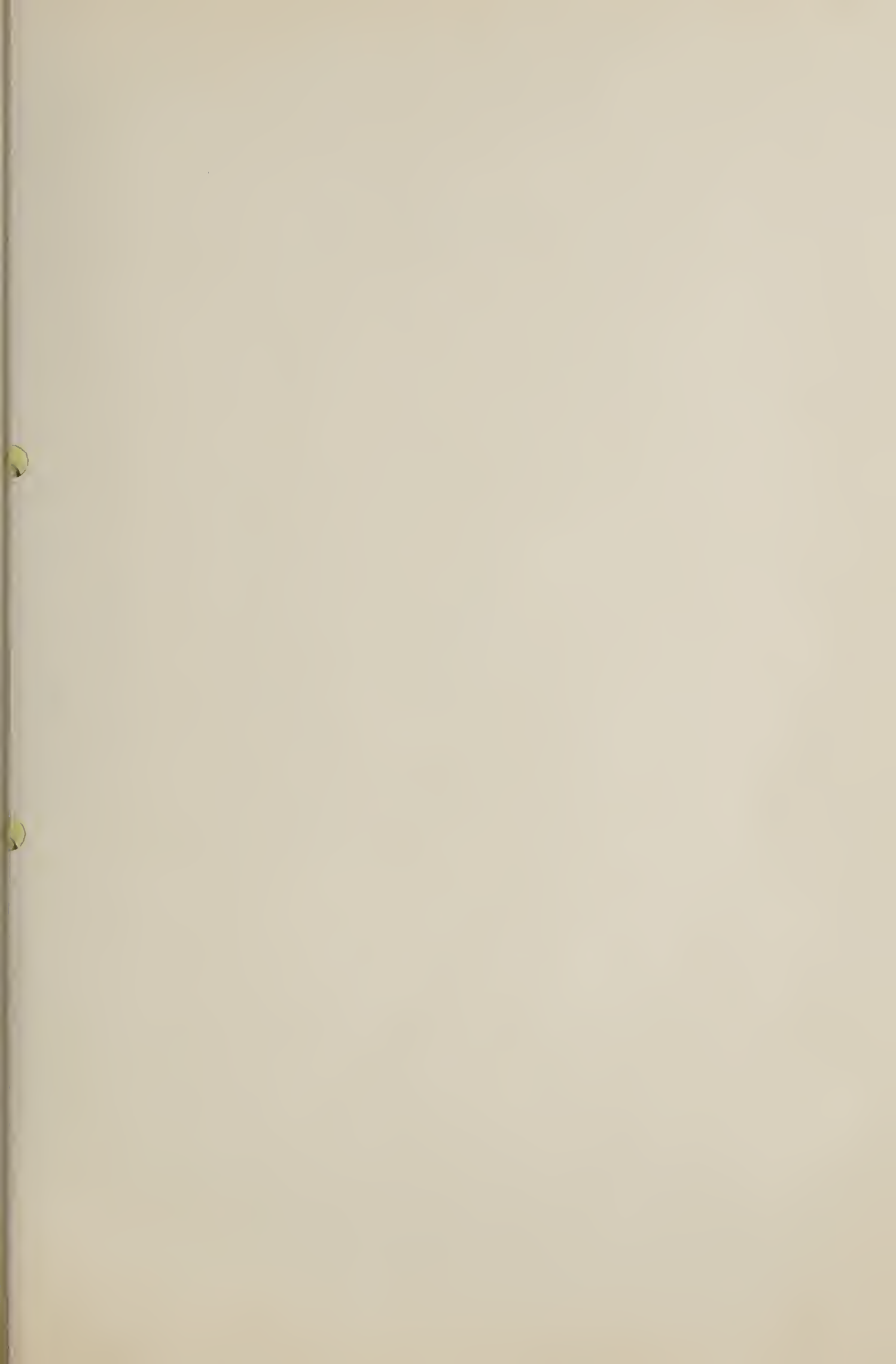
1
2 SEC. 8. Section 6 of the National School Lunch Act is
3 amended by inserting at the end thereof the following: "The
4 Secretary of Agriculture and the Secretary of Health, Edu-
5 cation, and Welfare shall cooperate in a coordinated effort:
6 (1) to develop curricula, training programs, and materials to
7 be made available to educational institutions for the improve-
8 ment of training and education in nutrition for professional
9 and para-professional persons engaged in school food service,
10 and to be made available to State and local school systems
11 upon their request for use in nutrition education and training
12 for students; and (2) to evaluate the adequacy and effective-
13 ness of food programs conducted under the authority of vari-
14 ous Acts administered by the Department of Agriculture and
15 the Department of Health, Education, and Welfare in meet-
16 ing the nutritional and health needs of school children
17 (including children in preschool programs)."

Passed the House of Representatives March 20, 1969.

Attest:

W. PAT JENNINGS.

Clerk.



91ST CONGRESS
1ST SESSION

H. R. 515

AN ACT

To amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions.

MARCH 24, 1969

Read twice and referred to the Committee on
Agriculture and Forestry

91ST CONGRESS
1ST SESSION

S. 2548

IN THE SENATE OF THE UNITED STATES

JULY 7, 1969

Mr. TALMADGE introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

A BILL

To amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such Acts.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 AUTHORIZATION FOR ADVANCE APPROPRIATIONS; CARRY-

4 OVER AUTHORIZATION

5 SECTION 1. (a) Section 3 of the National School Lunch
6 Act is amended by inserting at the end thereof the following:
7 “Appropriations to carry out the provisions of this Act and
8 of the Child Nutrition Act of 1966 for any fiscal year are
9 authorized to be made a year in advance of the beginning of
10 the fiscal year in which the funds will become available for

1 disbursement to the States. Notwithstanding any other pro-
2 vision of law, any funds appropriated to carry out the pro-
3 visions of this Act shall remain available for the purposes
4 of this Act for which appropriated until expended.

5 (b) The first sentence of section 10 of the National
6 School Lunch Act and the first sentence of section 12 (d) (5)
7 of such Act are each amended by striking the words “pre-
8 ceding fiscal year” and inserting in lieu thereof the follow-
9 ing: “the fiscal year beginning two years immediately prior
10 to the fiscal year for which the Federal funds are appro-
11 priated”.

12 NONFOOD ASSISTANCE

13 SEC. 2. Section 5 of the National School Lunch Act is
14 amended to read as follows:

15 “SEC. 5. There shall be available to the Secretary, out of
16 funds appropriated pursuant to section 3 of this Act, for the
17 purpose of providing nonfood assistance for the school lunch
18 program provided for under this Act—

19 “(1) the sum of \$38,000,000 for use during the
20 fiscal year beginning July 1, 1970, from funds appro-
21 priated for such fiscal year;

22 “(2) the sum of \$33,000,000 for use during the
23 fiscal year beginning July 1, 1971, from funds appro-
24 priated for such fiscal year;

25 “(3) the sum of \$15,000,000 for use during the

1 fiscal year beginning July 1, 1972, from funds appro-
2 priated for such fiscal year; and

3 “(4) the sum of \$10,000,000 for use during each
4 succeeding fiscal year, from funds appropriated for
5 such fiscal year.

6 Funds available to the Secretary under this section for any
7 fiscal year shall be apportioned among the States as follows:
8 Each State shall be entitled to an amount which bears the
9 same ratio to the total amount to be apportioned among all
10 the States as the number of schools programed for new or
11 replacement food preparation facilities in such State bears
12 to the total number of schools which need new or replace-
13 ment food preparation facilities in all the States.”

14 ADMINISTRATIVE EXPENSES, NUTRITION EDUCATION,
15 AND DIRECT EXPENDITURES

16 SEC. 3. (a) The first sentence of section 6 of the
17 National School Lunch Act is amended to read as follows:
18 “The funds provided by appropriation or transfer from
19 other accounts for any fiscal year for carrying out the pro-
20 visions of this Act, and for carrying out the provisions of
21 the Child Nutrition Act of 1966, other than section 3 thereof,
22 less

23 “(1) not to exceed $3\frac{1}{2}$ per centum thereof which
24 per centum is hereby made available to the Secretary

1 for his administrative expenses under this Act and
2 under the Child Nutrition Act of 1966;

3 “(2) the amount apportioned by him pursuant
4 to sections 4 and 5 of this Act and the amount appro-
5 priated pursuant to sections 11 and 13 of this Act and
6 sections 4, 5, and 7 of the Child Nutrition Act of 1966;
7 and

8 ✓ “(3) not to exceed 1 per centum of the funds
9 provided for carrying out the programs under this
10 Act and the programs under the Child Nutrition Act
11 of 1966, other than section 3, which per centum is
12 hereby made available to the Secretary to supplement
13 the nutritional benefits of these programs through grants
14 to States and other means for nutritional training and
15 education for workers, cooperators, and participants in
16 these programs and for necessary surveys and studies
17 of requirements for food service programs in further-
18 ance of the purposes expressed in section 2 of this Act
19 and section 2 of the Child Nutrition Act of 1966.

20 shall be available to the Secretary during such year for
21 direct expenditure by him for agricultural commodities and
22 other foods to be distributed among the States and schools
23 and service institutions participating in the food service
24 programs under this Act and under the Child Nutrition Act

1 of 1966 in accordance with the needs as determined by the
2 local school and service institution authorities.”

3 (b) Section 6 of the National School Lunch Act is
4 further amended by inserting before the last sentence of such
5 section a new sentence as follows: “The Secretary shall, to
6 the maximum extent practicable, use his authority under this
7 section to purchase highly nutritious foods, especially those
8 foods with a high content of vitamin A or vitamin C.”

9 STATE MATCHING REQUIREMENTS

10 SEC. 4. (a) The third sentence of section 7 of the Na-
11 tional School Lunch Act is amended by striking out “\$3”
12 and inserting in lieu thereof “\$1”.

13 (b) Section 7 of the National School Lunch Act is fur-
14 ther amended by inserting immediately before the last sen-
15 tence of such section the following:

16 “For the fiscal year beginning July 1, 1971, and the fiscal
17 year beginning July 1, 1972, State revenues (other than
18 revenues derived from the program) appropriated or utilized
19 specifically for program purposes (other than salaries and
20 administrative expenses at the State, as distinguished from
21 local, level) shall constitute at least 10 per centum of the
22 matching requirement; for each of the three succeeding fiscal
23 years, at least 20 per centum of the matching requirement;
24 for each of the subsequent three fiscal years, at least 30 per

1 centum of the matching requirement; for each of the next
2 subsequent succeeding three fiscal years, at least 40 per cen-
3 tum of the matching requirement; and for each fiscal year
4 thereafter, at least 50 per centum of the matching require-
5 ment. The State revenues made available pursuant to the
6 preceding sentence shall be disbursed to schools, to the extent
7 the State deems practicable, in such manner that each school
8 receives the same proportionate share of such revenues as it
9 receives of the funds apportioned to the State for the same
10 year under sections 4 and 11 of the National School Lunch
11 Act and sections 4 and 5 of the Child Nutrition Act of 1966.”

12 STATE ADMINISTRATIVE EXPENSES

13 SEC. 5. The first sentence of section 7 of the Child Nu-
14 trition Act of 1966 is amended (1) by inserting “or for the
15 administrative expenses of any other designated State agen-
16 cy” immediately after “its administrative expenses”; and
17 (2) by inserting “and service institutions” immediately
18 after “local school districts”.

19 ADDITIONAL PROGRAM REQUIREMENTS AND AUTHORITY

20 SEC. 6. (a) The second sentence of section 9 of the
21 National School Lunch Act is amended by inserting “not
22 exceeding 20 cents per meal” immediately after “or at a
23 reduced cost”.

24 (b) The third sentence of section 9 of the National
25 School Lunch Act and the fourth sentence of section 13 (f)

1 of such Act and the fourth sentence of section 4 (e) of the
2 Child Nutrition Act of 1966 are each amended by striking
3 out the period at the end of the sentence and inserting in lieu
4 thereof a comma and the following: "nor shall there be any
5 overt identification of any such child by special tokens or
6 tickets, announced or published lists of names, or other
7 means."

8 (c) Section 9 of the National School Lunch Act is fur-
9 ther amended by inserting at the end thereof a new sentence
10 as follows: "The Secretary is authorized to prescribe terms
11 and conditions respecting the use of commodities donated
12 under such section 32 and under section 416 of the Agricul-
13 tural Act of 1949, as amended, as will maximize the nutri-
14 tional and financial contributions of such donated commodi-
15 ties in such schools and institutions."

16 SPECIAL ASSISTANCE

17 SEC. 7. (a) Section 11 (a) of the National School Lunch
18 Act is amended by striking out "\$10,000,000 for the fiscal
19 year ending June 30, 1963," and inserting in lieu thereof the
20 following:

21 "\$200,000,000 for the fiscal year ending June 30,
22 1970;

23 "\$250,000,000 for the fiscal year ending June 30,
24 1971; and

1 “\$300,000,000 for the fiscal year ending June 30,
2 1972,”.

3 (b) Section 11 (e) of the National School Lunch Act is
4 amended—

5 (1) by inserting “(1)” immediately after “(e)”;

6 (2) by inserting in the first sentence, immediately
7 before the period, the following: “and for the purpose of
8 paragraph (2) of this subsection”;

9 (3) by adding at the end thereof a new sentence as
10 follows: “Such funds shall also be disbursed in such State
11 to schools that are ineligible for such funds under the
12 factors specified in the preceding sentence to assist such
13 schools in providing free or reduced price meals to needy
14 children attending such schools.”; and

15 (4) by adding at the end of such subsection a new
16 paragraph as follows:

17 “(2) In circumstances of severe need where the rate
18 per meal which the school would otherwise receive is deemed
19 by the Secretary to be insufficient to carry out an effective
20 school lunch program in such school, he may authorize finan-
21 cial assistance up to 80 per centum of the operating costs of
22 such program, including the cost of obtaining, preparing, and
23 serving food. In the selection of schools to receive assistance
24 under this section, the State educational agency shall require

1 applicant schools to provide justification of the need for such
2 assistance.”

3 REGULATIONS

4 SEC. 8. Section 10 of the Child Nutrition Act of 1966
5 is amended by striking out the period at the end thereof and
6 inserting in lieu thereof the following: “and the National
7 School Lunch Act, including regulations relating to the serv-
8 ice of food in participating schools and service institutions in
9 competition with the programs authorized under this Act
10 and the National School Lunch Act. In such regulations the
11 Secretary may provide for the transfer of funds by any State
12 between the programs authorized under this Act and the
13 National School Lunch Act on the basis of an approved
14 State plan of operation for the use of the funds and may pro-
15 vide for the reserve of up to 1 per centum of the funds avail-
16 able for apportionment to any State to carry out special de-
17 velopmental projects.”

18 RESEARCH AND TRAINING; NUTRITION SPECIALISTS;

19 NATIONAL ADVISORY COUNCIL

20 SEC. 9. The National School Lunch Act is amended by
21 adding at the end thereof the following new sections:

22 “RESEARCH AND TRAINING

23 “SEC. 14. (a) In order to assist State educational agen-
24 cies in strengthening the leadership resources of State and

1 local educational agencies and to assist such agencies in car-
2 rying out more effectively the purposes of this Act, the Sec-
3 retary is authorized to make grants to State educational
4 agencies for (1) research, surveys, and demonstration proj-
5 ects in the field of school food service, and (2) the dissemi-
6 nation of information obtained from school food service re-
7 search programs.

8 “(b) Funds made available under this section may be
9 used for establishing and maintaining research traineeships,
10 planning and evaluation on a statewide basis, internships,
11 personnel exchange programs, and graduate fellowships, and
12 for the payment of stipends and allowances, including travel
13 and subsistence expenses, to persons receiving training pur-
14 suant to this section. The amount of stipends and allowances
15 paid in the case of persons receiving training under this sec-
16 tion may not exceed maximum amounts prescribed by the
17 Secretary.

18 “(c) There are hereby authorized to be appropriated
19 for carrying out the provisions of this section in any fiscal
20 year an amount not to exceed 1 per centum of the amount
21 appropriated to carry out the provisions of this Act (not
22 including this section) for such fiscal year and to carry out
23 the Child Nutrition Act of 1966.

1 "NUTRITION SPECIALISTS

2 "SEC. 15. The Secretary may utilize funds appropriated
3 under this section to assist local school districts under this
4 Act and under the Child Nutrition Act of 1966 to employ
5 personnel specially trained or educated in matters relating to
6 the diet and nutrition of children. The Secretary is authorized
7 to pay to the State educational agency of any State an
8 amount not to exceed one-half of the expenses incurred by
9 the local school districts of such State in employing such per-
10 sonnel. The Secretary shall prescribe by regulation the total
11 number of such personnel which may be employed in any
12 State, for purposes of assistance under this section, taking
13 into consideration the school population of such State, the
14 need for such personnel, and such other factors as the Secre-
15 tary deems appropriate. There are hereby authorized to be
16 appropriated such sums as may be necessary for the purposes
17 of this section.

18 "NATIONAL ADVISORY COUNCIL

19 "SEC. 16. (a) There is hereby established a council
20 to be known as the National Advisory Council on Child Nu-
21 trition (hereinafter in this section referred to as the 'Council')
22 which shall be composed of thirteen members appointed by
23 the Secretary. One member shall be a school administrator,

1 one member shall be a person engaged in child welfare work,
2 one member shall be a person engaged in vocational educa-
3 tion work, one member shall be a nutrition expert, one mem-
4 ber shall be a school food service management expert, one
5 member shall be a State superintendent of schools (or the
6 equivalent thereof), one member shall be a State school
7 lunch director (or the equivalent thereof), one member shall
8 be a person serving on a school board, and five members
9 shall be officers or employees of the Department of Agricul-
10 ture especially qualified to serve on the Council because of
11 their education, training, experience, and knowledge in
12 matters relating to child food programs.

13 “(b) The eight members of the Council appointed from
14 outside the Department of Agriculture shall be appointed
15 for terms of three years, except that such members first
16 appointed to the Council shall be appointed as follows:
17 Three members shall be appointed for terms of three years,
18 three members shall be appointed for terms of two years, and
19 two members shall be appointed for terms of one year. There-
20 after all appointments shall be for a term of three years except
21 that a person appointed to fill an unexpired term shall serve
22 only for the remainder of such term. Members appointed
23 from the Department of Agriculture shall serve at the pleas-
24 ure of the Secretary.

25 “(c) The Secretary shall designate one of the members

1 to serve as Chairman and one to serve as Vice Chairman of
2 the Council.

3 “(d) The Council shall meet at the call of the Chairman
4 but shall meet at least once a year.

5 “(e) Seven members shall constitute a quorum and a
6 vacancy on the Council shall not affect its powers.

7 “(f) It shall be the function of the Council to make a
8 continuing study of the operation of programs carried out
9 under the National School Lunch Act, the Child Nutrition
10 Act of 1966, and any related Act under which meals are
11 provided for children, with a view to determining how such
12 programs may be improved. The Council shall submit to
13 the President and the Congress annually a written report of
14 the results of its study together with such recommendations
15 for administrative and legislative changes as it deems
16 appropriate.

17 “(g) The Secretary shall provide the Council with such
18 technical and other assistance, including secretarial and cler-
19 ical assistance, as may be required to carry out its functions
20 under this Act.

21 “(h) Members of the Council shall serve without com-
22 pensation but shall receive reimbursement for necessary
23 travel and subsistence expenses incurred by them in the per-
24 formance of the duties of the Council.”

1 INCLUSION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

2 SEC. 10. (a) The third sentence of section 4 of the
3 National School Lunch Act is amended by striking the
4 parenthetical phrase, “(exclusive of American Samoa for
5 periods ending before July 1, 1967)” and inserting in lieu
6 thereof the phrase, “(exclusive of the Trust Territory of the
7 Pacific Islands for periods ending before July 1, 1974)”.

8 (b) The fifth sentence of section 4 of the National
9 School Lunch Act is further amended by striking clause (4)
10 in the last sentence thereof, and inserting in lieu thereof
11 the following: “(4) for the five fiscal years in the period
12 beginning July 1, 1969, and ending June 30, 1974, the
13 amount apportioned to the Trust Territory of the Pacific
14 Islands shall be \$125,000 each year, which amount shall
15 be first deducted from the funds available for apportionment
16 in determining the amounts to be apportioned to the other
17 States.”

18 (c) The first sentence of section 11(b) and the first
19 sentence of section 11(c) of the National School Lunch
20 Act are each amended by striking the word “and” before
21 the term “American Samoa” and by inserting “, and the
22 Trust Territory of the Pacific Islands” after the term “Ameri-
23 can Samoa”.

24 (d) The second sentence of section 11(b) of the
25 National School Lunch Act is amended by revising the

1 proviso at the end thereof to read as follows: "*Provided,*
2 That for the fiscal year ending June 30, 1970, \$25,000
3 shall be apportioned to the Trust Territory of the Pacific
4 Islands, which amount shall be first deducted from the total
5 amount available for apportionment under this subsection."

6 (e) Section 12 (d) (1) of the National School Lunch
7 Act is amended by striking the word "or" that precedes the
8 term "American Samoa" and by adding at the end of the
9 sentence the following: ", or the Trust Territory of the
10 Pacific Islands".

11 (f) The second sentence of section 12 (d) (6) of the
12 National School Lunch Act is amended by revising clause
13 (ii) at the end thereof to read as follows: "(ii) the average
14 annual per capita income for the Trust Territory of the
15 Pacific Islands shall be disregarded in determining the aver-
16 age annual per capita income for all the States for periods
17 ending before July 1, 1974."

18 (g) Section 4 (b) of the Child Nutrition Act of 1966
19 is amended (1) by striking the word "and" before the term
20 "American Samoa" wherever it appears, and inserting "
21 and the Trust Territory of the Pacific Islands" after the term
22 "American Samoa" wherever it appears; and (2) by strik-
23 ing "\$45,000" and inserting "\$60,000".

24 (h) Section 5 (b) of the Child Nutrition Act of 1966
25 is amended by striking the term "American Samoa" and in-

1 serting in lieu thereof “the Trust Territory of the Pacific
2 Islands”.

3 (i) Section 15 (a) of the Child Nutrition Act of 1966
4 is amended by striking the word “or” that precedes the term
5 “American Samoa” and by adding at the end of the sentence
6 the following: “, or the Trust Territory of the Pacific
7 Islands”.

91ST CONGRESS
1ST Session

S. 2548

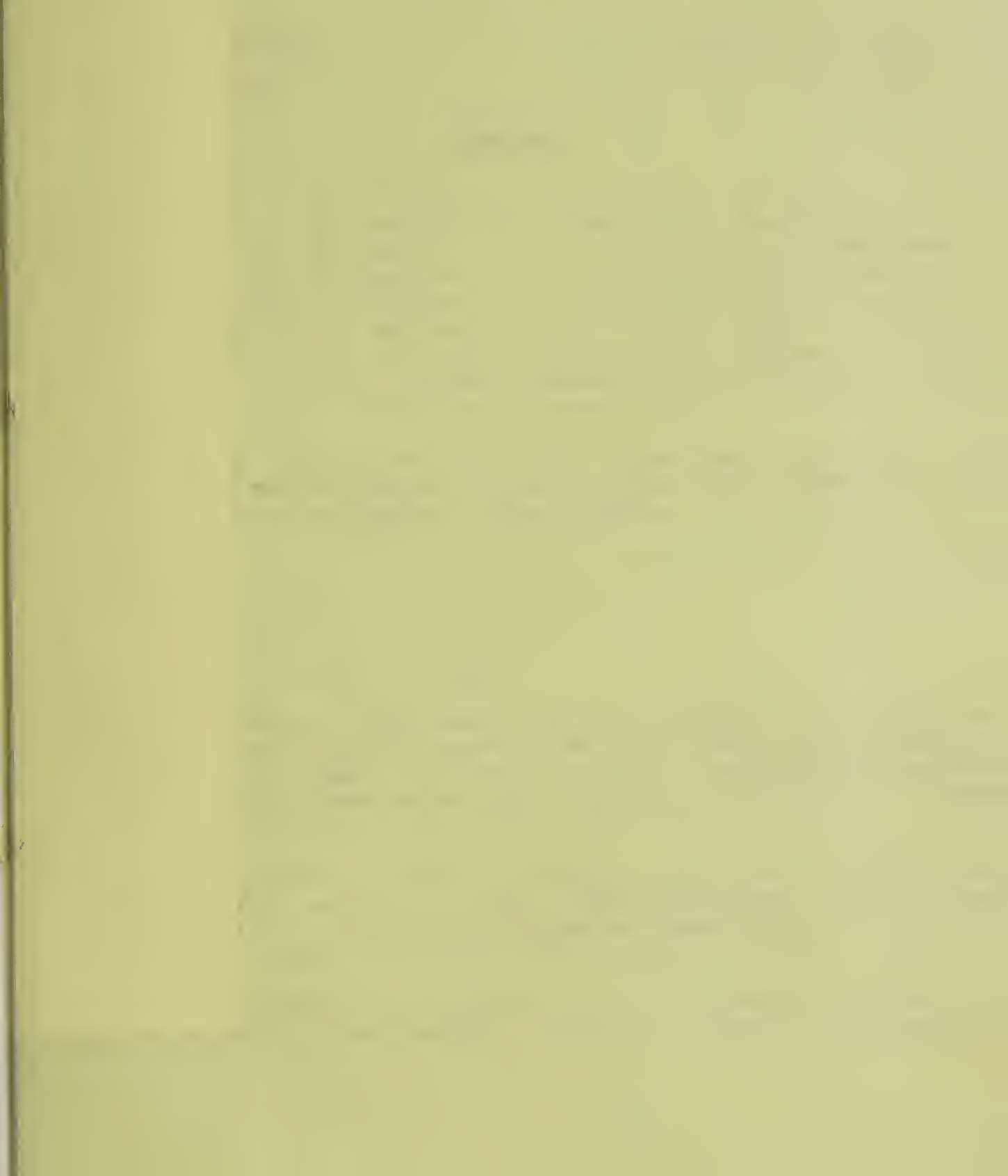
**A
BILL**

To amend the National School Lunch Act and
the Child Nutrition Act of 1966 to strengthen
and improve the food service programs pro-
vided for children under such Acts.

By Mr. TALMADGE

JULY 7, 1969

Read twice and referred to the Committee on
Agriculture and Forestry



DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of Jan. 22, 1970
91st-2nd; No. 4

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HIGHLIGHTS: Senate committee voted to report school lunch bill. Both Houses heard President's state-of-the-Union message. Rep. Scherle discussed his proposed bill to provide advance feed grain payments.

HOUSE

1. PRESIDENT'S MESSAGE. Both Houses heard the President's state-of-the-Union message (H. Doc. 91-226). The President recommended the creation of a new rural environment, and a nationwide clean air, clean water and open spaces program. Several Senators and Representatives commented on the message. pp. S388-9, S389, H199, H231, H232-3, E232, E243, E255
2. FISHERIES. The Merchant Marine and Fisheries Committee voted to report (but did not actually report) H. R. 1049, amended, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects. p. D15
3. WELFARE. Rep. Anderson, Ill., criticized Sen. McGovern's proposed welfare plan as a "highly irresponsible alternative to the administration's family

assistance plan." pp. H195-6

4. LEGISLATIVE PROGRAM. Rep. Albert announced the legislative program for next week: on Mon. consideration of the so-called Nelson amendment to the Labor-HEW appropriations bill; on Wed. consideration of a possible veto message on this bill. He also announced that the Lincoln Day recess will be from the close of business on Tues., Feb. 10 until Mon., Feb. 16. p. H198

5. ADJOURNED until Mon., Jan. 26. p. H233

SENATE

6. SCHOOL LUNCH. The Committee on Agriculture and Forestry ordered favorably reported (but did not actually report) S. 2548, to strengthen and improve the National School Lunch Act and the Child Butrition Act of 1966. p. D13

7. ELECTRIFICATION. Sen. Allen lauded the annual report of the TVA, calling the authority "the one shining piece of American enterprise unquestionably admired and increasingly emulated throughout the world." pp. S367-8

8. POLLUTION; ENVIRONMENT. Sen. Mansfield said that there "is growing concern for the quality of life in this nation today and as it will affect future generations." p. S357

Sen. Tydings commented that the "consideration of proper waste management is a vital factor in environmental planning"; he inserted a newspaper article detailing several forms of community planning for a better environment. pp. S381-3

Sen. Goodell noted that "our once-beautiful earth is becoming a wasteland of refuse" and he inserted his speech, "The Federal Role in a National Strategy for Environmental Protection." pp. S383-5

Sen. Proxmire, commenting on the state-of-the-Union address, stated "Those of us who advocate the user charge as a method of controlling pollution have been greatly encouraged today to receive President Nixon's support and endorsement for the principle behind this proposal." p. S388

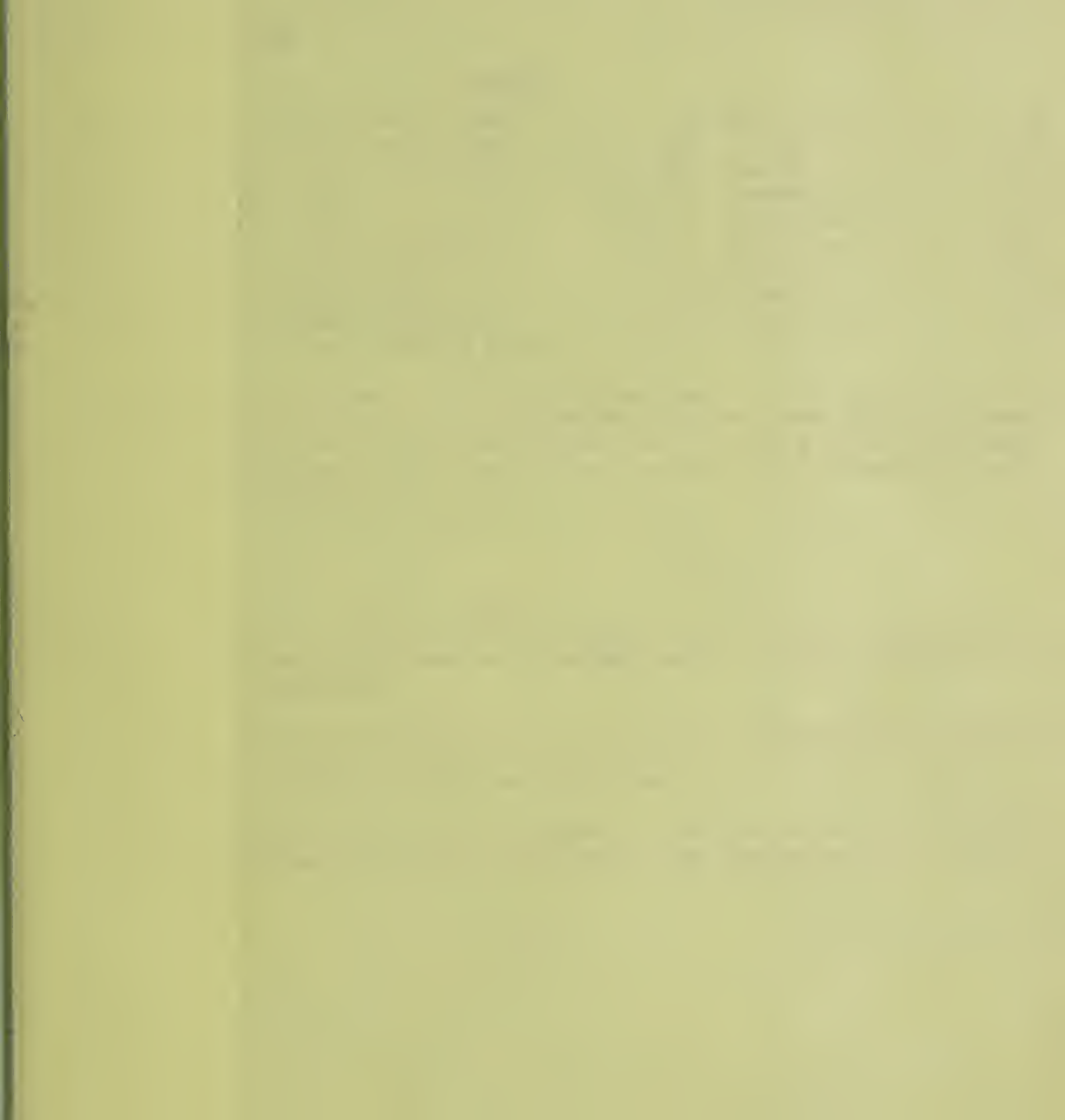
9. HUNGER. Sen. Kennedy inserted the transcript of a TV interview between Sen. Bayh and Prof. Riker on the subject of "Hunger: Whose Problem?" pp. S368-71

10. WILDERNESS; FOREST; RECREATION. Sen. Yarborough inserted a Detroit Audubon Society resolution supporting the 100,000 acre Big Thicket National Park. p. S371

BILLS INTRODUCED

11. PERSONNEL. H. R. 15508, by Rep. Edwards, Ala., to amend title 5, United States Code, to correct inequities resulting from the exclusion from entitlement to severance pay of employees who, at the time of separation from the service, decline to accept employment in equivalent positions in different commuting areas; to Civil Service Committee.

H. R. 15510, by Rep. Horton, to amend chapter 83, title 5, United States Code, to eliminate the reduction in the annuities of employees or Members who elected reduced annuities in order to provide a survivor annuity if predeceased by the person named as survivor and permit a retired employee or Member to designate



DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of Jan. 29, 1970
91st-2nd; No. 10

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HIGHLIGHTS: Senate committee reported school lunch and child nutrition bill. Rep. Sisk criticized administration's alleged failure to submit farm legislation proposals. Sen. Mondale and Rep. Culver introduced and discussed bills to provide advance feed grain payments to producers. Sen. Jackson introduced and discussed national land use policy bill.

HOUSE

1. CIGARETTE LABELING. Conferees were appointed on H. R. 6543, to extend public health protection with respect to cigarette smoking. p. H493 Senate conferees have not been appointed.
2. FARM LABOR. Conferees were appointed on H. R. 14733, to extend the program of assistance for health services for domestic migrant agricultural workers. p. H493 Senate conferees have not been appointed.
3. PERSONNEL. The Post Office and Civil Service Committee voted to report (but did not actually report) H. R. 13008, the proposed Job Evaluation Policy Act of 1969. p. D43

4. FOREIGN AID. Rep. Gross inserted his telegram to the President asking that he veto the foreign aid appropriation bill. p. H493
5. FARM PROGRAM. Rep. Sisk commended Secretary Hardin for a "most cooperative attitude" in attempting to work out some of the problems concerning American agriculture, and stated that "we have not been able to get from the administration a definitive statement of its policies, spelled out in legislative language", and reminded this Department "that the time has come to fish or cut bait in connection with agricultural legislation." p. H544
6. CENSUS. Rep. Charles Wilson inserted a summary description of the new procedures developed by the Bureau of the Census in efforts to ensure a more complete and accurate census. pp. H538-41
7. INFLATION. Rep. Albert asked that the President act promptly to halt inflationary trends. p. H542
Rep. Bevill suggested that a veto of the foreign aid appropriation bill would initiate a fight against inflation. p. H542
Rep. Reuss and others discussed the progress to date of the administration's war on inflation. pp. H545-8
Rep. Patman criticized "misguided monetary policies" of the Federal Reserve System. pp. H550-1
8. LEGISLATIVE PROGRAM. Rep. Albert announced that on next Mon., Feb. 2, a continuing appropriation resolution will be considered, and that the high-timber yield bill will be considered on Wed. Reps. Mahon, Ford, Albert and others discussed the new Labor-HEW bill and the language to be used in the continuing resolution. pp. H536-8
9. ADJOURNED until Mon., Feb. 2. p. H538

SENATE

10. SCHOOL LUNCH. The Agriculture and Forestry Committee reported with an amendment S. 2548, to amend the School Lunch Act and Child Nutrition Act (S. Rept. 91-641) p. S834
11. ENVIRONMENT. Sen. Pell inserted U. S. Commissioner of Education Allen's address, "Education for Survival", which proposes "EEE---environmental/ecological education---at every level of learning." pp. S849-51
Sen. Percy commended and inserted the essay of a high school senior on the subject of pollution and the environment of man. pp. S854-5
12. INTEREST RATES. Sen. Gore noted that the new interest rates on certain U. S. securities is enticing saving deposits from small banks, thereby reducing the amount of available local loan money. pp. S853-4
13. CREDIT UNIONS. Sen. Saxbe spoke in favor of legislation to provide for an independent agency to supervise federally chartered credit unions. pp. S856-7

SCHOOL LUNCH AND CHILD NUTRITION AMENDMENTS

JANUARY 29, 1970.—Ordered to be printed

MR. TALMADGE, from the Committee on Agriculture and Forestry,
submitted the following

REPORT

together with

INDIVIDUAL VIEWS

[To accompany S. 2548]

The Committee on Agriculture and Forestry, to which was referred the bill (S. 2548) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such acts, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

SHORT EXPLANATION

This bill is designed to improve the child feeding programs conducted under the National School Lunch Act and the Child Nutrition Act of 1966, with the objectives of providing better child feeding operations and reaching all children, particularly those from poor economic areas whose need is greatest. To this end, the bill, with the committee amendment, would amend the National School Lunch Act and the Child Nutrition Act of 1966 to—

(1) Require that State revenues represent a percentage of the local School Lunch Act matching requirements (beginning at 4 percent and rising to 10 percent) (section 4) ;

(2) Authorize the Secretary to permit funds appropriated for any program under those acts to be used by the States for any other such programs (section 8) ;

(3) Authorize the use of up to 1 percent of School Lunch and Child Nutrition Act funds for nutritional training and education and studies of food service requirements (section 3) ;

(4) Authorize use of up to 1 percent of the funds available for apportionment to States under those acts for special developmental projects (section 8) ;

(5) Provide for apportionment of nonfood assistance funds on a basis more closely related to the need for such funds ;

(6) Authorize appropriations for special assistance in such amounts as may be necessary to assure school lunches for every poor child, provide for apportionment of such funds to States and schools in a manner which will direct the funds to the needy child, and provide up to 80 percent of the cost of the program in certain cases of severe need (section 7) ;

(7) Authorize direct distribution of foods under section 6 of the School Lunch Act to schools and service institutions participating in food service programs under the Child Nutrition Act and section 13 of the School Lunch Act (section 3) ;

(8) Prohibit overt identification of children receiving free or reduced cost meals (section 6) ;

(9) Require publicly announced policies with respect to eligibility for free and reduced price meals (section 6) ;

(10) Authorize appropriations 1 year in advance of the fiscal year in which they will become available and make them remain available until expended (section 1) ;

(11) Base the school lunch fund apportionment on the number of lunches served during "the fiscal year beginning 2 years immediately prior to the fiscal year for which the Federal funds are appropriated" rather than the "preceding fiscal year" (section 1) ;

(12) Provide for a National Advisory Council on Child Nutrition (section 9) ; and

(13) Make other minor amendments.

COMMITTEE CONSIDERATION

1. IN GENERAL

Because of the general interest in this matter, hearings were conducted by the full committee. The hearings were held on September 29, and 30, and October 1, 1969; and all witnesses who desired to testify were heard. Witnesses were generally in favor of the bill, but a great number of amendments were proposed. A list was prepared setting out each amendment. In executive session the committee went through the bill section by section, giving careful consideration to each section and to each amendment proposed to such section. After considering the entire bill in this manner, the committee considered all of the additional amendments that had been proposed, but which did not relate to specific sections of the bill.

In addition to considering S. 2548 in the manner just described, the committee gave full consideration to (1) H.R. 515, a similar bill, which had been passed by the House of Representatives; (2) amendments to S. 2548 submitted to the chairman of the committee by Senator McGovern in a letter dated November 17, 1969; and (3) S. 2982, which was introduced by Senators Javits and Goodell on October 1, 1969.

2. H.R. 515

With respect to H.R. 515, Congressman Perkins, the author of that bill, testified in favor of S. 2548, and subsequently introduced a bill (H.R. 14660) patterned after S. 2548. His testimony appears at page 176 of the printed hearings. Congressman Perkins had some reservations about the matching provisions of S. 2548, and the committee amendment adopts matching provisions generally along the line of H.R. 515, leaving the State and local matching requirement at 3 to 1 as provided by existing law (section 7 of the National School Lunch Act), and providing that State revenues should represent 4 percent of the State and local matching requirement in fiscal 1972 and 1973, gradually rising to 10 percent in fiscal 1978.

3. AMENDMENTS PROPOSED BY SENATOR MCGOVERN

Senator McGovern's letter of November 17, together with the amendments and explanation contained in that letter, are attached hereto as exhibit A. The changes which Senator McGovern's amendments would make, and the committee's recommendation with respect to each change are as follows:

(1) Senator McGovern would substitute "local educational agency" (school district) for "school" in a number of places in the School Lunch and Child Nutrition Acts.

Committee recommendation.—This amendment would not accomplish Senator McGovern's objective. It would have a number of other effects, none of which are either desirable or recommended by Senator McGovern. The committee is fully in favor of the general objectives of Senator McGovern, but believe they can be accomplished better through proper administration of the act than by legislation, since their accomplishment depends upon the continuous exercise of judgment as to which operations should be centralized and which can be better performed on a decentralized basis. The committee recommends that the Secretary keep these objectives in mind and make every effort to attain them.

Senator McGovern's objective in substituting "local educational agency" for "school" is to "put an end to the State and local option of allowing individual schools rather than school districts to be contracting agencies," and to "reduce from over 100,000 to about 20,000 the number of governing bodies instituting local school lunch policy and result in improved purchasing economy and more uniform administration of the program."

The amendment would not accomplish its objective in this respect. The Department of Agriculture advises that the school district is already the contracting agency in every case, so the amendment would not reduce the number of contracting agencies. The Department further advises that certain policies, such as that with respect to eligibility for free or reduced price meals are already required to be fixed on a school district wide basis. Certain policies and functions now may be delegated by local school boards to principals or other school officials, and the amendment would not prohibit such delegation. A direct and

more effective method of accomplishing this objective would be an amendment (1) specifically requiring that all agreements required to be entered into with schools be entered into with the local educational agencies responsible for the administration of such schools and (2) specifically providing for uniform administration, central purchasing, and such other centralized actions by any such agency for all schools administered by it as may be desired. However, the committee felt that such an amendment would not be wise. Since all agreements are now entered into with school districts, and since there is no way to enter into a contract with a school, other than by contracting with its governing body, to wit, the school district, the amendment would appear to serve no purpose in this respect. Insofar as providing for uniform administration and centralization of purchasing and other functions, the committee felt that this should be left to the good sense of the Secretary and the local school districts with their knowledge of day to day operations and local conditions. Thus, in a large city it may be advisable for the school district to employ purchasing agents to make all or most purchases for all schools in the district. At the same time in the case of a school district which includes rural schools 40 miles from any other school, the school district may find it advisable to delegate authority to the school principal to purchase milk from the local dairy and other foods from the local store.

Substitution of "local educational agency" for "school" at the points where the amendment would make such substitution may have many effects not intended by the amendment, such as—

(a) "School" is a defined term, limiting the program to schools of high school grade or under. The amendment may extend the program to other schools.

(b) The school breakfast and child nutrition nonfood assistance programs are now limited to schools drawing attendance from areas in which poor economic conditions exist. The amendment would limit them to "local educational agencies" drawing attendance from such areas, which might result in considerable change in those programs.

(c) References such as that to "lunches being served in such local educational agencies" may be somewhat ambiguous, particularly where the local agency administers junior colleges, teachers' colleges and other schools not of high school grade or under.

(d) The amendment leaves the term "school" in a number of places, such as the second sentence of section 5(c) of the Child Nutrition Act of 1966. In some cases there appears to be a reason for this, but in others the reason is not apparent.

(2) Senator McGovern would make children from families with incomes equivalent to \$4,000 per annum or less for a family of four automatically eligible for free meals under the School Lunch and Child Nutrition Acts.

Committee recommendation.—The National School Lunch Act and the Child Nutrition Act of 1966 now require that free or reduced price meals be served to children who are determined by local school authorities to be unable to pay the full cost of the meal. To the extent that this provision has not been fully carried out, the blame should be placed on inadequate funding. Most of the costs of the program are met by children's payments and contributions of local taxing author-

ities. To the extent that this amendment would increase program costs, it could result in higher prices for the children who do pay, which might cause them to drop out of the program, or higher costs for local taxing authorities, which might cause them to drop out of the program. Either of these alternatives would be destructive of the program and detrimental to all children, including the poor children.

The committee believes first, the funds available should be administered fairly with an even hand. To this end the committee has included in section 6 of the committee amendment provision for a publicly announced policy, applied equitably, for determining children entitled to free or reduced price meals. This permits local school authorities to take local conditions into account. Thus a farm family which raises much of its food, buys some from its neighbors, and has an income of about \$4,000 might not need free meals, while an urban family with income in excess of \$4,000 might need free meals.

Second, and more important, the committee feels that this objective can be accomplished only by adequate funding. Unless the money is available there is absolutely no possibility of providing anyone with a free meal. To this end, the committee has provided in section 7 of the committee amendment for the appropriation of such sums as may be necessary to "assure access to the school lunch program * * * by children of low-income families." Furthermore, the money is to go to the school where the poor child is. This provision would make the money available to provide a free or reduced price lunch to every child that needs it. The committee feels very strongly about this. The Department should request sufficient funds to assure access to the program by every poor child, and should administer the law in such manner as to assure such access. The committee amendment also requires the States to put up more money from State funds.

The objective of the committee is to expand the school lunch program so that free or reduced price lunches will be available to all needy children. To accomplish this objective, it will be necessary to secure maximum cooperation on the State and local level. Many school districts do not participate in the school lunch program at all. Many States contribute no State revenues to the school lunch program.

If the States and the local school districts are required to meet the eligibility standards of the McGovern amendment, and they are not given the funding to do so, they will be faced with tremendous administrative problems and a large funding gap. It is highly likely that many States would choose not to participate in the school lunch program at all. Such problems would certainly discourage those large municipalities who do not now participate from coming into the school lunch program. Thus, the McGovern amendment would have the result of denying access to the school lunch program to thousands of needy children.

(3) Senator McGovern would make children from families with incomes insufficient to purchase a nutritionally adequate diet eligible for reduced price meals.

Committee recommendation.—This is already required. Section 6 of the committee amendment would be a step toward its achievement and section 7 of the committee amendment should result in its achievement.

(4) Senator McGovern would exclude children from families with incomes in excess of a maximum prescribed by the Secretary from participation in programs under the School Lunch or Child Nutrition Acts.

Committee recommendation.—The objective of the National School Lunch Act is to provide every child with a good lunch. This amendment would be destructive of that objective. There is no reason for refusing to sell a lunch to a child who can afford to pay for it. He needs to eat just as much as any other child. To require him to bring a lunch from home, or go to a restaurant, or just not eat lunch, while his classmates go to the school cafeteria would be clearly unfair. The existing law prohibits physical segregation of or other discrimination against any child because of his inability to pay. The committee amendment prohibits overt identification of such children. Those policies are good policies, humane policies. They would be destroyed if children who can pay are excluded from the program. Obviously the children who would remain in the program and be allowed to use the school cafeteria would be those unable to pay the full cost, and they would be clearly and overtly identified as being in that class.

This amendment would be very destructive of the program. More than half of the funds now come from children's payments. If the children who can pay are excluded, the program will fall unless more funds are supplied from some other source.

To see how the amendment would affect the program, let us assume as an example that a school has 4,000 students, of which 3,000 are from families with incomes above the maximum and 1,000 are from families with incomes below the maximum. The cafeteria was built to serve 4,000 students. How will it operate to serve 1,000, especially if the 1,000 are to receive free or reduced price meals?

To see how the amendment would affect children, let us assume the following examples: Child A has a father, mother, and older brother, none of whom work. They own several homes, cars, furs, jewels, oil leases, cash, checking accounts, stocks, bonds (not currently paying interest) and a yacht. Their only income is just under \$4,000 per annum from a little less than \$400,000 worth of stock in International Business Machines. Child A, under Senator McGovern's amendment would be entitled to a free lunch, since section 14(b) of the Senator's amendment provides specifically that resource limitations "shall apply only to the income, if any, of such resources and not to any income which might be realized by the liquidation of such resources."

Child B also has a father, mother, and older brother, all of whom work when they can. They get up early to go to work and do not have time to prepare breakfast or lunch for child B. Together they earn just over \$4,000 (or whatever figure the Secretary fixes as the maximum), and a good part of that goes for carfare and lunches for the workers. Child B would be excluded from the school breakfast and lunch programs. He could not even buy a meal at school.

The amendment does not provide any criteria for determining the maximum level of income. It could not be less than \$4,000 per annum for a family of four, because children in those families are clearly eligible under Senator McGovern's amendments not only to participate in the program, but to receive free lunches. The Secretary could then fix it at any level above \$4,000. If the Secretary were to look for some

reasonable criteria, the level at which children could pay for their meals suggests itself as the only level which has any significance. However, the committee felt there was no reasonable level.

(5) Senator McGovern would limit the price of a reduced price meal to 20 percent of the regular price, or 20 cents, whichever is less.

Committee recommendation.—The committee amendment omits a provision contained in S. 2548 as introduced which would limit the price of a reduced price lunch to 20 cents, because the Department of Agriculture in its report on the bill advised the committee that this provision “imposes a restriction that many schools may not be able to meet until the time comes that fully adequate funding from Federal, State, and local sources is assured.” The McGovern amendment would impose a restriction even more difficult to meet since the 20-percent restriction would be considerably lower than the 20-cent restriction. The committee amendment seeks to improve the program and provide better funding from Federal and State sources so that the objective of this amendment can be met. The committee did not want to impose a restriction which could not be met. Attempted enforcement of such a restriction could result in dropping of the program in some areas, with the consequent loss of its benefits.

(6) Senator McGovern would require each State to submit annual plans of school lunch program operation including detailed plans to bring every eligible local educational agency into the program by June 30, 1973. The Secretary’s approval of a plan would be a prerequisite to receipt of “Federal child feeding funds.”

Committee recommendation.—The committee was in complete agreement with the objective of this amendment, to wit, bringing every eligible local educational agency into the program by June 30, 1973. However, the committee felt that this could not be done by refusing Federal child feeding funds to the entire State if some local agency refused to enter the program. Rather, the committee believes that every local agency should be brought into the program by removal of unnecessary restrictions which cannot be met, improvement of the program through advance funding and use of better formulas for apportioning the funds, and obtaining State participation in funding. The committee amendment is designed to accomplish these objectives.

(7) Senator McGovern would require each local educational agency to report monthly on the numbers of children entitled to and actually receiving free lunches and reduced price lunches, respectively.

Committee recommendation.—The Secretary of Agriculture has authority to require such reports as are necessary to proper administration of the program. Consequently, the committee felt that this amendment was not necessary.

4. S. 2982

The changes which S. 2982 would make in the law, and the committee’s recommendation with respect to each change, are as follows:

(1) S. 2982 would redefine “Secretary” in the School Lunch and Child Nutrition Acts to require all functions of the Secretary to be performed in consultation with the Secretary of Health, Education, and Welfare.

Committee recommendation.—This type of divided authority would result in poor administration. Both Secretaries serve on the same Cabi-

net and are subject to the same President. The Secretary of Health, Education, and Welfare is free to make such suggestions to the President or the Secretary of Agriculture as he sees fit. The Secretary of Agriculture is free to seek such advice as he sees fit. To require him to consult with another Cabinet member at every step in the administration of a law committed to his charge would result in delay, dissipation of authority and responsibility, and weak administration.

(2) S. 2982 would require that priority be given children of low-income families in the special milk program.

Committee recommendation.—Since all children in any institution participating in the special milk program participate equally and fully, the only way to give priority to any particular children would be to diminish participation by others. The committee does not favor this suggestion.

(3) S. 2982 would authorize appropriation of \$25 million for fiscal 1970 and each of the next 4 years for private food service company demonstration projects in schools in low-income areas lacking adequate food preparation facilities or in preschool or nonschool programs serving children of low-income households.

Committee recommendation.—The committee recommends that all reasonable avenues should be explored to devise more effective ways of bringing these programs to low-income children. The committee does not believe that our efforts should be restricted to one avenue.

Under section 3 (3) of the committee amendment up to 1 percent of the funds appropriated for the School Lunch and Child Nutrition Acts can be used for studies of requirements for food service programs. Under section 8 of the committee amendment up to an additional 1 percent can be used to carry out special developmental projects. These funds could be used for studies and demonstration projects of the type envisioned by S. 2982. However, they could also be used for other projects, if such other projects offered an equal or better chance of providing program improvement. In addition, the Department might find it advisable to use these funds for projects which would not duplicate or substitute for studies and demonstration projects which food service companies might be willing to undertake with private funds. For an example of the work being done by such companies, see pages 180 et seq. of the hearings.

The Department of Agriculture has for many years prohibited the employment of food service companies to operate school lunch programs for fear that such employment will adversely affect the non-profit character of the program. This policy is about to be changed as indicated by the following letter, and the committee hopes that this change in policy will contribute to improvement of the program:

U.S. DEPARTMENT OF AGRICULTURE,
FOOD AND NUTRITION SERVICE,
Washington, D.C., January 14, 1970.

Dr. J. W. EDGAR,
Commissioner of Education, State Education Agency,
Austin, Tex.

DEAR DR. EDGAR: This is to give you advance notice of the Department of Agriculture's intention to amend the regulations for the child nutrition programs with respect to the use of food service management companies.

We know you are aware of the great need to expand the coverage of the child nutrition programs to reach as many additional needy children as possible and as quickly as possible. President Nixon and the delegates to the recent White House Conference on Food, Nutrition, and Health, have urged action to make these programs a more effective delivery system in the drive to eliminate poverty related hunger and malnutrition in this country.

To help reach this goal, we have evaluated all available resources that could make a contribution, including the use of the skills and capacities of food service management companies.

Our analysis leads to the conclusion that there is no justification for the continued across-the-board exclusion of food service management companies in the operation of the school lunch and other child nutrition programs which are federally assisted by this Department.

Accordingly, we will develop new regulations establishing the policies and standards under which food service companies may be authorized to conduct food service in schools and service institutions receiving Federal food assistance.

Under this change in the Federal regulations, State educational agencies would still have the authority and discretion through their own regulations to determine their policies with respect to the use of food service management companies in schools.

The proposed changes in the regulations will be forwarded as soon as possible for your review. We are aiming for April 1 as the target date on which the changes will become effective.

Sincerely,

EDWARD J. HEKMAN, *Administrator.*

(4) S. 2982 would require all Federal child feeding programs to furnish free or reduced price meals to any child who is a member of a household which—

(A) Is eligible to participate in a Federal food assistance program, or

(B) Has an annual income equivalent to or less than \$4,000 for a household of four.

Committee recommendation.—See the committee recommendation with respect to Senator McGovern's amendment (2).

(5) S. 2982 would require the Secretary of Agriculture to develop uniform standards and procedures in the allocation to schools and school districts of Federal child feeding program funds that will assure maximum participation by school children of low-income households.

Committee recommendation.—The committee agrees with the objective of allocating funds to schools in a manner that will assure maximum participation by school children of low-income households. And the committee amendment to S. 2548 is designed to accomplish that objective. The committee believes this is the basic type of matter which should be resolved by Congress after receiving the recommendations of the administration and all others who have views on this matter. The law now provides the manner in which these funds are to be distributed and the law should be changed whenever more effective methods are developed and proposed. S. 2548 would make these changes in the law. These changes have been developed with the assistance of the Department of Agriculture.

(6) S. 2982 would require development of curriculums, training programs, and materials relating to diet and nutrition to be used in the training and education of persons engaged in the operation of school feeding programs.

Committee recommendation.—Section 3(3) of the committee amendment provides funds for grants for such training and education. Development of curriculums, training programs, and training materials would appear to be a necessary part of such training and education.

(7) S. 2982 would prohibit overt identification of children furnished free or reduced price meals under any federally assisted program.

Committee recommendation.—Section 6(c) of the committee amendment adopts this amendment insofar as it relates to programs covered by the bill.

(8) S. 2982 would require the Secretary of Health, Education, and Welfare, in consultation with the Secretary of Agriculture, to evaluate effectiveness of Federal school feeding programs in meeting health needs of children and report with recommendations to the President by January 20 each year.

Committee recommendation.—Section 13 of the Child Nutrition Act of 1966 assigned authority for the conduct and supervision of Federal programs to assist schools in providing food service programs for children to the Department of Agriculture. It further directed other Federal agencies administering programs under which funds are to be provided to schools for such assistance to transfer such funds to the Department of Agriculture for distribution through the administrative channels and in accordance with the standards established under the National School Lunch Act and the Child Nutrition Act of 1966. Since the Department of Agriculture has been designated by Congress to administer these programs, the Secretary of Health, Education, and Welfare should not be asked to evaluate them. Furthermore these programs have been investigated and evaluated by a number of congressional committees, including at least one created largely for the purpose of looking into such programs.

(9) S. 2982 would authorize appropriation of \$12 million for fiscal 1970 and each of the next 4 years for grants to or contracts with State and local school agencies for work training programs to prepare low-income individuals to administer and supervise food service programs.

Committee recommendation.—The Committee believes that section 3(3) provides adequately for such training programs. If low-income individuals are found who can be trained to administer and supervise these programs efficiently and effectively, the committee recommends that they be employed and trained. However, the committee does not believe that preference should be given by law to prospective employees for supervisory positions on the basis of low income. The committee believes that the people who are to run the program should be selected on the basis of their competence.

SECTION-BY-SECTION ANALYSIS

The bill is divided into nine sections as follows:

Section 1. Advance appropriations, carryover, participation rate.

Section 2. Apportionment of nonfood assistance on basis of need.

Section 3. Nutrition education.

Section 4. State revenue matching requirements.

Section 5. State administrative expenses.

Section 6. Free and reduced cost meal eligibility, overt identification, maximum utilization of donated commodities.

Section 7. Special lunch program assistance.

Section 8. Transfer of funds from one program to another. Special developmental projects.

Section 9. National Advisory Council.

Section 1. Advance appropriations, carryover, participation rate.—This section deals with the periods during which appropriation shall be made and shall be available and the period to be used in computing participation rates.

Subsection (a) authorizes the making of appropriations to carry out the National School Lunch Act and the Child Nutrition Act of 1966 up to 1 year in advance of the beginning of the fiscal year in which they are to become available for disbursement to the States. It also provides that such appropriations shall remain available until expended. Balances of funds apportioned or paid to a State for any fiscal year, which are not necessary to meet the obligations of any State incurred during that fiscal year, revert to the United States Treasury. Under the bill, the unobligated balances of the funds appropriated for the purposes of the various sections of the School Lunch Act and the Child Nutrition Act would remain available to the Secretary of Agriculture for expenditure in a subsequent fiscal year for the same purpose for which originally appropriated in the same manner as though they were a part of the respective appropriations for such subsequent fiscal year. To that extent, the appropriations under these Acts for any fiscal year would be augmented by the unobligated balances of the prior year, and the total sum so available would be subject to apportionment among the States and between public and private schools and institutions in accordance with the pertinent provisions of law applicable to the subsequent year.

Subsection (b) provides that the number of lunches to be taken into account in determining the "participation rate" under section 12(5)(d), or the amount to be withheld and distributed to nonprofit private schools under section 10, of the National School Lunch Act shall be the number served during the "fiscal year beginning 2 years immediately prior to the fiscal year for which the Federal funds are appropriated" rather than the "preceding fiscal year". Use of data for the "preceding fiscal year" does not allow time for the data to be collected.

The objective of the section is to provide better planning by giving the States advance information as to the overall amount of funds available and the amount available to each State.

Section 2. Apportionment of nonfood assistance on basis of need.—This section amends section 5 of the Child Nutrition Act of 1966 to authorize appropriations of not to exceed \$38 million for the fiscal year beginning July 1, 1970; \$33 million for the fiscal year beginning July 1, 1971; \$15 million in the fiscal year beginning July 1, 1972; and \$10 million for each succeeding fiscal year. Existing law authorized appropriation of funds for earlier years, including \$18 million for the fiscal year beginning July 1, 1969; but does not authorize any appropriations thereafter.

At present nonfood assistance funds are apportioned to each State upon the basis of its participation rate multiplied by its assistance need rate. Under the bill half of the funds would be apportioned on that basis and half the funds would be apportioned on the basis of the number of children enrolled in schools without a food service. Since the lack of equipment needed to conduct a school lunch program necessarily limits the participation rate, the new formula will better reflect needs for nonfood assistance. The Committee did not wish to abandon the present formula completely, however, since the participation rate does reflect the willingness of State and local authorities to conduct a good school lunch program.

At present any equipment obtained by a private school with nonfood assistance funds reverts to the United States if such equipment cannot be used by any private school. Section 2 of the bill would amend this provision to keep such equipment in the program by providing also for its transfer to any public school in the program.

Section 3. Administrative expenses, nutrition education, and direct expenditures. This section would—

(1) Increase the amount authorized for administrative expenses by section 6 of the National School Lunch Act by $3\frac{1}{2}$ percent of the amount appropriated to carry out section 13 of that act and $3\frac{1}{2}$ percent of the amount appropriated to carry out the Child Nutrition Act of 1966 (other than section 3 of the latter act);

(2) Make such amount available for the Secretary's administrative expenses under the Child Nutrition Act of 1966 (as well as those under the National School Lunch Act);

(3) Authorize use of up to 1 per centum of the funds appropriated for the National School Lunch Act and the Child Nutrition Act of 1966 (other than section 3 of the latter act) for nutritional training and education and studies of food service requirements in connection with those programs;

(4) Reduce (to the extent funds were used under the authority of this section for (i) administrative expenses for other than the National School Lunch Act or (ii) nutritional training or education or studies) the share of National School Lunch Act appropriations which may be used for direct expenditure by the Secretary for agricultural commodities and other foods;

(5) Authorize distribution of such foods to schools participating in food service programs under the Child Nutrition Act of 1966 (as well as those participating in programs under the National School Lunch Act) and to service institutions participating in programs under section 13 of the National School Lunch Act.

Section 4. State matching requirements.—This section requires that State revenues represent a prescribed minimum of the local funds required to match Federal funds apportioned under section 4 or 5 of the National School Lunch Act.

At present each dollar apportioned to States under section 4 or 5 of the National School Lunch Act must be matched by \$3 from sources within the State. At present no part of this local matching requirement is required to come from State revenues, and children's payments account for the greater part of the local funds. This section would re-

quire State revenues to constitute at least 4 per centum of the matching requirement for each of the fiscal years beginning July 1, 1971 and July 1, 1972; 6 per centum for each of the 2 succeeding fiscal years (beginning in 1973 and 1974); 8 per centum for each of the next 2 succeeding fiscal years (beginning in 1975, 1976); and 10 per centum for each fiscal year thereafter. Amounts derived by the State from the program, or expended by it for salaries or administrative expenses at the State level, would not count toward meeting the State revenue share of the matching requirement. In order to channel the State funds to schools having the greatest need in terms of numbers of children from low-income families, the State funds would be required to be disbursed to each school, to the extent practicable, on the basis of its share of the funds apportioned for (1) the regular school lunch program (under section 4 of the School Lunch Act); (2) special assistance to schools to assure lunches for low-income children under section 11 of the School Lunch Act; (3) the school breakfast program for needy children (under section 4 of the Child Nutrition Act); and (4) the nonfood assistance program for schools drawing from poor economic areas (under section 5 of the Child Nutrition Act).

The following table shows on the basis of fiscal 1968 data, the amounts States are now contributing and what they would be required to contribute in fiscal 1978 (when this section becomes fully effective). It shows that—

(1) Thirteen States now contribute more State revenues to the school lunch program than would be required by this section when fully effective in fiscal 1978 (by the amounts shown in parenthesis in column 7); and

(2) The other States would have to increase their State revenue contributions by a total of \$29,983,735 to meet the requirements of S. 2548 in fiscal 1978.

MATCHING FUND REQUIREMENTS UNDER SEC. 7 OF THE NATIONAL SCHOOL LUNCH ACT, AT PRESENT AND UNDER S. 2548

State	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
	Federal grants under sec. 4 of School Lunch Act ¹	Matching from State and local sources (including children's payments required by existing law and S. 2548 ²)	Actual matching from State and local sources	Matching from State tax revenues required by S. 2548 when fully effective in fiscal year 1978 (10 percent of col. 3) ²	Actual State revenue (excluding those used for administration which would not count toward matching formula of S. 2548) ¹	Increase in State revenue required by S. 2548 above 1968 level (col. 5 minus col. 6) ²	Total actual State revenues (including those used for administration) ¹	Total actual Federal contributions to school lunch commodities under sec. 6 and other laws ^{1,3}	Total Federal contribution to programs under School Lunch and Child Nutrition Acts ¹	Total State and local government revenue contributions to programs under School Lunch and Child Nutrition Acts ¹	
Alabama.....	\$4,709,862	\$9,799,396	\$31,224,278	\$979,940	-----	\$979,940	\$135,849	\$13,237,821	\$14,907,522	\$767,446	
Alaska.....	152,189	456,567	1,656,588	45,657	-----	45,657	29,100	617,936	652,576	29,100	
Arizona.....	1,336,340	3,447,212	11,877,201	344,721	-----	344,721	25,000	3,787,419	4,303,924	1,619,952	
Arkansas.....	2,919,744	6,003,351	14,287,725	600,335	-----	\$150,000	242,894	7,285,040	8,423,587	242,894	
California.....	5,970,046	17,910,138	90,446,650	1,791,014	-----	2,000,000	2,231,489	24,390,102	33,751,539	5,231,489	
Colorado.....	1,520,201	4,455,120	12,849,988	445,512	-----	2,000,000	125,649	4,821,896	5,792,945	510,148	
Connecticut.....	1,737,156	4,119,468	20,723,322	411,947	-----	411,947	44,498	4,127,986	5,859,864	1,764,370	
Delaware.....	376,273	1,128,819	5,943,033	112,882	-----	717,550	732,875	1,045,620	1,407,856	752,875	
District of Columbia.....	249,651	748,953	3,916,154	74,895	-----	511,974	543,076	724,487	1,345,000	2,212,331	
Florida.....	6,238,492	16,398,322	50,868,435	1,639,832	-----	1,639,832	174,135	16,627,460	18,666,032	4,605,923	
Georgia.....	7,007,525	16,524,888	42,370,196	1,652,489	-----	1,652,489	151,243	17,716,823	19,362,263	2,346,588	
Guam.....	129,861	214,271	989,180	21,427	-----	209,937	266,281	243,847	244,476	264,217	
Hawaii.....	991,847	2,975,541	9,189,515	297,554	-----	2,178,214	2,266,281	2,814,598	3,020,778	2,266,281	
Idaho.....	673,121	1,676,621	4,573,832	167,662	-----	167,662	52,000	1,687,997	1,891,403	52,000	
Illinois.....	4,626,454	13,879,362	57,439,217	1,387,936	-----	1,387,936	242,700	15,801,893	22,473,685	242,700	
Indiana.....	3,571,668	10,715,004	44,631,186	1,071,500	-----	1,071,500	280,000	10,430,162	13,360,769	280,000	
Iowa.....	2,936,649	8,782,978	26,040,931	878,298	-----	878,298	74,204	7,909,451	9,802,617	74,204	
Kansas.....	1,872,349	5,376,316	16,302,026	537,632	-----	537,632	65,091	6,101,885	7,284,919	65,091	
Kentucky.....	4,594,860	10,223,564	28,423,110	1,022,356	-----	1,022,356	115,000	11,445,971	13,159,838	715,000	
Louisiana.....	6,526,352	15,030,588	41,341,929	1,503,059	-----	14,519,912	15,155,456	15,836,161	16,559,624	17,423,259	
Maine.....	846,522	2,105,939	6,239,776	210,594	-----	22,257	72,975	2,160,851	2,684,639	731,946	
Maryland.....	2,066,032	6,198,096	31,053,860	619,810	-----	619,810	50,373	5,781,808	8,042,670	3,011,921	
Massachusetts.....	3,506,528	10,519,584	43,686,257	1,051,958	-----	5,316,771	5,577,151	11,153,661	14,748,319	11,922,084	
Michigan.....	3,930,835	11,792,505	50,567,774	1,179,251	-----	500,000	42,278	11,971,931	17,707,105	1,230,301	
Minnesota.....	3,569,328	10,456,674	28,451,814	1,045,667	-----	500,000	580,000	9,442,828	12,163,863	2,308,195	
Mississippi.....	4,110,527	7,344,421	18,904,370	734,442	-----	734,442	109,962	8,818,687	10,247,513	623,975	
Missouri.....	3,769,380	10,942,741	36,236,252	1,044,274	-----	1,094,274	125,000	10,078,358	12,412,029	1,360,778	
Montana.....	494,715	1,320,081	3,702,538	132,008	-----	132,008	54,138	1,362,562	1,577,644	484,603	

Nebraska	1, 200, 886	3, 454, 385	11, 211, 784	345, 438	57, 516	3, 684, 816	4, 335, 915	252, 114
Nevada	1, 126, 096	1, 378, 288	4, 310, 990	37, 829	25, 000	486, 485	639, 342	25, 000
New Hampshire	458, 008	1, 290, 367	4, 663, 200	128, 037	17, 709	1, 329, 479	1, 850, 298	350, 531
New Jersey	1, 998, 088	5, 994, 264	33, 120, 372	599, 426	144, 638	6, 718, 611	10, 681, 392	4, 481, 361
New Mexico	1, 116, 037	2, 630, 659	7, 881, 207	263, 066	59, 914	3, 527, 746	4, 319, 534	909, 914
New York	10, 034, 957	30, 104, 961	133, 784, 203	3, 010, 496	22, 527, 123	29, 419, 092	39, 115, 805	47, 005, 978
North Carolina	7, 866, 359	17, 526, 707	43, 924, 324	1, 752, 671	265, 000	18, 796, 670	22, 451, 413	2, 335, 697
North Dakota	779, 213	1, 908, 277	4, 542, 019	190, 828	45, 580	1, 834, 088	2, 231, 751	45, 580
Ohio	6, 182, 230	18, 546, 690	88, 212, 790	1, 854, 669	127, 357	18, 351, 923	25, 278, 802	127, 357
Oklahoma	2, 144, 002	5, 373, 132	13, 284, 759	537, 313	725, 710	6, 945, 662	8, 010, 468	1, 338, 343
Oregon	1, 420, 167	4, 257, 603	13, 626, 407	425, 760	62, 320	4, 373, 763	5, 037, 183	1, 939, 369
Pennsylvania	6, 291, 452	18, 874, 356	85, 646, 233	1, 887, 436	44, 900	18, 246, 318	23, 480, 068	4, 544, 900
Puerto Rico	4, 236, 984	4, 185, 083	14, 748, 195	418, 508	13, 410, 100	9, 919, 671	10, 040, 180	13, 410, 100
Rhode Island	274, 055	822, 165	4, 112, 404	82, 216	991, 385	11, 467, 917	1, 274, 368	1, 991, 385
Rhode Island	4, 720, 026	9, 762, 747	23, 951, 939	976, 275	752, 852	11, 467, 917	12, 178, 015	1, 451, 808
South Carolina	634, 973	3, 923, 508	15, 528, 879	152, 588	74, 883	1, 670, 758	2, 045, 536	74, 883
South Dakota	4, 856, 054	10, 896, 391	34, 952, 154	1, 089, 639	218, 010	13, 629, 946	15, 565, 036	6, 859, 140
Tennessee	7, 342, 117	18, 812, 302	68, 733, 066	1, 881, 230	20, 474, 166	20, 474, 166	24, 281, 683	2, 250, 000
Texas	1, 261, 981	3, 219, 339	9, 027, 355	321, 934	1, 697, 687	3, 835, 880	4, 200, 497	1, 865, 078
Utah	273, 435	722, 650	2, 419, 488	72, 265	180, 232	862, 609	1, 118, 958	180, 232
Vermont	4, 425, 472	11, 655, 248	39, 715, 863	1, 165, 525	142, 297	12, 698, 646	14, 617, 947	2, 806, 142
Virgin Islands	1, 127, 150	11, 192, 152	896, 452	19, 215	895, 927	325, 915	325, 915	895, 927
Washington	1, 977, 929	5, 933, 787	20, 136, 848	593, 379	78, 000	5, 120, 798	6, 630, 917	619, 597
West Virginia	1, 888, 819	4, 200, 695	11, 134, 647	420, 070	387, 360	4, 938, 468	5, 707, 014	1, 366, 537
Wisconsin	2, 901, 243	8, 688, 927	24, 855, 275	868, 893	174, 226	8, 094, 902	11, 762, 942	2, 234, 052
Wyoming	262, 201	718, 645	2, 334, 088	71, 864	23, 275	742, 467	864, 934	316, 567
Samoa, American	76, 559	44, 920	162, 707	4, 472	149, 628	183, 009	183, 380	149, 628
Trust Territory				(115, 411)		277, 048	277, 048	
Total	154, 947, 000	402, 267, 139	1, 436, 280, 214	40, 226, 714	72, 841, 333	435, 923, 648	540, 401, 520	161, 972, 891

¹ Fiscal 1968.
² Based on fiscal 1968 grant under sec. 4.
³ Sec. 13 of the national school lunch program was not in effect in fiscal 1968. Federal appropriation for sec. 13 in fiscal 1969 was \$10,000,000.
⁴ Column total, excluding negative figures in parenthesis.

Section 7 of the National School Lunch Act requires matching only with respect to Federal grants under section 4, which in fiscal 1968 were \$154,947,000. (Matching is also required of Federal grants under section 5 of that Act, but there have been no grants under section 5 in recent years.) Total Federal contributions to the program in fiscal 1968 were \$435,923,648. Total State revenue contributions (including administrative costs) to the school lunch program were \$72,841,333.

The total Federal contribution to all programs under the School Lunch and Child Nutrition Acts was \$540,401,520; and the total State and local government revenue contributions to those programs was \$161,972,891.

Total State and local matching (including children's payments) of section 4 funds as now required by section 7 and S. 2548 is \$402,267,139. This amount is not an exact multiple of the \$154,947,000 Federal section 4 grant because the matching requirements of States with below average per capita income are reduced as required by section 7 by the percentage they are below the U.S. per capita income. Total actual State and local matching (including children's payments) in fiscal 1968 was \$1,436,280,214.

The figures in the tables were supplied by the Department of Agriculture.

Section 5. State administrative expenses.—This section authorizes the Secretary to utilize funds appropriated under section 7 of the Child Nutrition Act of 1966 (1) for advances for administrative expenses of any other designated State agency (as well as for those of the State educational agency), and (2) in the case of either State agency, for its administrative expenses in supervising and giving technical assistance to service institutions (as well as to local school districts).

This would permit agencies engaged in the distribution of commodities to local schools or service institutions to get administrative expense assistance for that part of their function which is involved in supervising and giving technical assistance to the local school districts and service institutions. Under the present law, this can be done if the State educational agency is also the State distributing agency, but in some States, the State distributing agency to schools and service institutions is the State department of agriculture or other agency different from the educational agency. There are differences among States based purely on organizational differences rather than on functions performed in relation to these programs. This section would correct the present inequitable treatment as among the States.

The addition of the phrase "and service institutions" in the first sentence of section 7, as described in (2) above, serves merely to clarify the present law.

Section 6. Free and reduced cost meal eligibility, overt identification, maximum utilization of donated commodities.—This section (1) provides for a publicly announced policy with respect to eligibility for free or reduced cost meals; (2) prohibits overt identification of children receiving free or reduced cost meals; and (3) specifically authorizes the Secretary to require commodities donated under section 32 of Public Law 74-320, section 416 of the Agricultural Act of 1949 and section 709 of the Food and Agriculture Act of 1965 to be so used as to maximize their nutritional and financial contribution.

Sections 9 and 13 (f) of the National School Lunch Act and section 4(e) of the Child Nutrition Act of 1966 require the meals covered by them to be served without cost or at a reduced cost to children unable to pay the full cost. Subsection (a) of this section of the bill prescribes that determination of children unable to pay the full cost of school lunches and school breakfasts "shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions." Subsection (b) makes identical provision for determination by "service institution authorities" of children unable to pay the full cost of meals served in service institutions (day care centers, etc.) under section 13 of the National School Lunch Act. The substance and objectives of these two subsections have already been adopted by administrative regulation.

Sections 9 and 13 (f) of the National School Lunch Act and section 4 (e) of the Child Nutrition Act of 1966 provide, respectively, in the case of the school lunch, special food service, and school breakfast programs, that no physical segregation of, or other discrimination against, any child shall be made because of his inability to pay. Subsection (c) of this section of the bill in each of these cases adds the further prohibition that there shall be no overt identification of the child by special tokens, lists of names, or other means.

Subsection (d) amends section 9 of the National School Lunch Act to authorize the Secretary specifically to prescribe terms and conditions respecting the use of commodities donated under section 32 of the act of August 24, 1935, section 416 of the Agricultural Act of 1949, and section 709 of the Food and Agriculture Act of 1965 to maximize the nutritional and financial contributions of such commodities in schools and other institutions receiving them. The Secretary already has this authority under section 12 (b) of the National School Lunch Act with regard to school lunch programs under that act. With regard to other schools receiving federally donated commodities the authority may not be as clear. No requirements have been prescribed over the many years of commodity distribution, for example, with regard to the nutritional balance of meals served in schools utilizing donated commodities other than in those schools which are also under the national school lunch program. The purpose of this section therefore is to emphasize that the Secretary is authorized to prescribe such terms and conditions for food service in the non-national School Lunch Act schools which are receiving Federal assistance in the form of commodities.

Section 7. Increased special lunch program assistance.—This section—

(1) Extends the special assistance program to all schools and changes the formula for apportionment of such funds in order to assure all needy children of access to the school lunch program; and

(2) Authorizes financial assistance up to 80 percent of the operating costs of the program in circumstances of severe need where the rate per meal which the school would receive is deemed insufficient for an effective school lunch program.

Section 11 of the National School Lunch Act now authorizes the appropriation of such amounts as may be necessary to provide special assistance to schools drawing attendance from poor economic areas to help them provide free or reduced price lunches to needy children as required by section 9 of that act. These funds are apportioned among States on the basis of the number of free or reduced price lunches served in the preceding fiscal year and the assistance need rate. The funds are then disbursed to selected schools within the State on the basis of five enumerated factors.

Section 7 of the bill would amend section 11 of the act to (1) authorize appropriation of such amounts as may be necessary "to assure access to the * * * program * * * by children of low-income families; (2) provide for apportionment of such funds among States under a formula derived from the Elementary and Secondary Education Act, based on numbers of poor children; (3) provide for distribution within the States to schools on the basis of their need for assistance in meeting the requirement of section 9 with respect to serving free or reduced price lunches; and (4) authorizing assistance of up to 80 percent of all operating costs in cases of severe need."

The committee feels that greatly increased appropriations will be necessary to carry out the objectives of this section. The Department of Agriculture estimates that there are some 6.6 million school children from economically deprived homes. The present cost of producing a type A lunch is 60 cents per day or \$108 for the 180 day school year. Thus, it would cost \$712.8 million from all sources to provide free lunches for all 6.6 million economically deprived children. Part of this cost is met by State and local contributions.

At present, the Department of Agriculture's budget includes \$133.8 million for both the school lunch and breakfast program for economically deprived children. Therefore, there is currently a large funding gap, even when we make allowances for State and local payments and for the pupil payments.

One of the difficulties inherent in the existing formula for apportionment of special assistance funds to States lies in the fact that those States which have the greatest need for assistance are, by definition, those which have the most difficulty in providing the free or reduced price lunches required by section 9. To the extent they are unable to provide such lunches, the existing formula holds down their share of special assistance funds for the succeeding year. Under the new formula provided by the bill funds would be apportioned on the basis of the number of children aged 3 through 17, in families which either (1) have incomes of not more than \$3,000, or (2) receive more than \$3,000 per annum in payments from federally assisted public assistance programs. If any State cannot utilize the full amount apportioned to it, the amount it cannot use will be apportioned on the same basis to States whose operating experience shows their need for additional funds.

Under existing law the funds apportioned to the State are disbursed by the State educational agency to selected schools on the basis of the following factors: (1) The economic condition of the area from which such schools draw attendance; (2) the needs of pupils in such schools for free or reduced price lunches; (3) the percentages of free and reduced price lunches being served in such schools to their pupils; (4) the prevailing price of lunches in such schools as compared with

the average prevailing price of lunches served in the State under this act; and (5) the need of such schools for additional assistance as reflected by the financial position of the school lunch programs in such schools. This formula, also, may have the effect of penalizing the very schools it is designed to assist, since the schools with greatest need are those which cannot serve as high a percentage of free and reduced-price lunches as they should. In addition, it makes no provision for poor children attending schools which generally draw attendance from middle class areas. As the number of such children increases in any school, it may be necessary to raise the price of the lunch to the other children, who may be near the poverty level themselves, to pay for the free or reduced price lunches. As the price is increased, these children drop out of the program, so that the lunch program becomes ineffective or must be abandoned. The object of S. 2548 is that the funds go wherever the poor child goes. Therefore the bill provides that special assistance funds go to all schools in accordance with their need for assistance in providing free and reduced price lunches.

Special assistance funds generally are limited to reimbursement for food costs, but the bill would authorize the Secretary in circumstances of severe need, where necessary to provide for an effective school lunch program, to authorize assistance of up to 80 percent of program operating costs including preparation and serving costs. This provision is needed because some areas are too poor to support the program, even though they receive substantial help for food alone. It is modeled after section 13 (c) (2) of the National School Lunch Act and section 4 (d) of the Child Nutrition Act of 1966.

No matching is required for section 11 funds under existing law or under the bill.

Section 8. Transfer of funds from one program to another. Special projects.—This section—

(1) Amends the Child Nutrition Act to provide specific authority for regulations under the National School Lunch Act,

(2) Specifically provides that such regulations and regulations under the Child Nutrition Act may include provisions relating to the service of food in participating schools and service institutions in competition with programs under those acts, and

(3) Provides that regulations under those acts may provide for—

(A) Transfer of funds by any State between programs authorized under those two acts, and

(B) The reserve of up to 1 per centum of the funds available for apportionment to any State to carry out special developmental projects.

Under the present School Lunch Act, regulations have been issued pursuant to the authority to enter into agreements with the States which incorporate such program requirements as are reasonably necessary to effect the purposes of the act. The Child Nutrition Act provides direct authority for issuance of regulations. This section is intended to make it clear that in both instances the regulations may include restrictions or limitations on types of food service in participating schools and service institutions that may be in competition with the national school lunch program or the school breakfast program under the Child Nutrition Act. Such limitations might restrict the selling of candy, pop, or other food or beverage items which compete

for the child's appetite and available lunch money during, for example, the lunch and breakfast periods.

The provision for transfer of funds provides for flexibility in the use of the Federal funds granted to the States as between the several programs authorized under these acts, as for example: between the regular lunch program, the breakfast program, the nonschool program, the nutrition training program, and the equipment assistance program. In order best to meet the nutritional needs of children, the amount of funds required in a State as between the several different programs may be difficult to predetermine with precision. As a State gets food service programs established in its schools it will, for example, need less equipment assistance than a State which has many schools without food service. However, under the apportionment formulas, that State would still be provided with equipment assistance funds, when the real need may be for funds for serving additional lunches or breakfasts. Therefore, the bill would provide authority to the Secretary to develop and issue regulations that would permit funds apportioned to a State for one program (such as the school lunch program) to be used by it for an entirely different program (such as the non-school feeding program) on the basis of an approved State plan of operation.

The developmental projects referred to are not defined, and this provision contains broad authority. It contemplates pilot projects for improving the methods and facilities for providing food service to children. It might involve, for example, utilization of special fabricated food items; equipment, packaging, or delivery systems specially designed for school feeding, methods for providing greater choice in food selection or attaining increased participation; systems for accounting for free and reduced price lunches; or use of variable or incentive meal pricing and reimbursement rates. The objective would be to try out new approaches to improving these programs on a limited basis before they are incorporated into nationwide regulations or into statewide requirements. Generally, it is contemplated that such projects would be in specific localities selected cooperatively by Federal and State school lunch staffs. The initiative for a project might come from local, State, or Federal levels. The financing might be confined to a percentage of the Federal funds available for reimbursement to that locality, or to 1 percent or less of the funds apportioned to that State, or might consist of a joint financing arrangement from funds apportioned to more than one State, particularly if the contemplated improvement needs to be tried in more than one locality. In all instances it is intended that projects would be consistent with the objectives of the School Lunch and Child Nutrition Act.

Section 9. National Advisory Council.—This section adds a new section 14 to the National School Lunch Act to provide for a National Advisory Council on Child Nutrition to consist of 13 members (9 from specified fields related to children, education, and nutrition, and 4 from the Department of Agriculture). The Council would make a continuing study of programs under acts under which meals are served to children and report annually to the President and Congress, recommending improvements.

DEPARTMENTAL VIEWS

Attached is the report of the Department of Agriculture. All of the changes suggested by the Department have been included in the committee amendment with one exception. The committee amendment does not make the change in the membership of the National Advisory Council suggested in paragraph 9 of the Department's letter. Paragraph 10 of the Department's letter indicates that it had no objection to inclusion of the Trust Territory of the Pacific, but the committee amendment does not provide for such inclusion.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., September 29, 1969.

HON. ALLEN J. ELLENDER,
*Chairman, Committee on Agriculture and Forestry,
U.S. Senate.*

DEAR MR. CHAIRMAN: Your letter of July 8, 1969, requested a report on S. 2548 to amend the National School Lunch and Child Nutrition Acts in a number of respects.

The Department does not favor enactment of this bill in its present form. Although this Department believes steps should be taken to improve the child nutrition programs, and we favor many of the concepts in this bill, a number of the provisions of S. 2548 would present serious administrative and operational problems.

1. The first section of the bill provides that appropriations for the child food service programs may be made a year in advance and that the data upon which State apportionments are calculated shall be the program year completed 2 years immediately prior to the fiscal year for which the appropriation is requested. This section also provides that funds appropriated shall remain available until expended.

The Department does not object to the provisions of this section.

2. Section 2 provides for funding of section 5 or the nonfood assistance phase of the National School Lunch Act in the amounts of \$38 million for fiscal year 1970; \$33 million for fiscal year 1971; \$15 million for fiscal year 1972 and \$10 million for each succeeding fiscal year. The funds are to be apportioned to the States in amounts "which bear the same ratio to the total amount to be apportioned among all the States as the number of schools programed for new or replacement food preparation facilities in all the States."

The Department does not favor enactment of this provision.

Section 5 of the National School Lunch Act has not been funded since the first year after enactment and the appropriation bills for the Department of Agriculture have for many years carried an explicit prohibition against the use of section 5 purposes of any of the funds appropriated for the national school lunch program. On the other hand, section 5 of the Child Nutrition Act of 1966 authorizes assistance in the acquisition of food service equipment by low-income area schools and carries permanent authorization authority. It also provides that States shall finance at least one-fourth of the cost of any equipment financed.

The Department believes this provision of the Child Nutrition Act is preferable to that contained in S. 2548, particularly since the latter in no way differentiates between those schools that can well afford to finance equipment and those that cannot. The use of the number of schools in the apportionment of funds rather than enrollment would also result in serious inequities in the disbursement of funds. Generally, we feel that the factor of enrollment or average daily attendance in schools without a food service combined with a need factor would better reflect the relative magnitude of need in each State.

3. Section 3(a) would authorize the Secretary to provide foods acquired by direct purchase under section 6 of this act for use in school breakfast programs and to service institutions such as day-care centers, settlement houses, and summer recreational projects.

This section also provides for a program of nutritional training and education for workers, cooperators and participants in the broadest sense.

The Department favors this provision.

Section 3(b) states that the Secretary shall, to the maximum extent practicable, use this authority to purchase "highly nutritious foods, especially those foods with a high content of vitamin A or vitamin C."

Both vitamins A and C are essential nutrients. However, as a practical matter, the greatest need lies in assisting schools in meeting the protein requirement. Meat and meat alternates are the most expensive elements of the meal and the most difficult for the schools to finance day-in and day-out. Foods with a good vitamin A content are, for the most part, more palatable to children when served raw rather than cooked. This means that procurement locally is more practical in many instances than a nationwide purchase program. As for vitamin C, the recommended daily allowances for school-age children were substantially reduced by the Food and Nutrition Board of the National Research Council in 1968.

The Department does not believe that it is either necessary or advisable to designate in legislation specific nutrients for special attention. However, we will continue to place emphasis in the section 6 procurement program on foods rich in vitamins A and C as well as those including other important nutrients.

4. Section 4(a) provides for amending State matching requirements by gradually substituting a 1-to-1 State-Federal matching for the present 3-to-1 basis. Section 4(b) provides that State tax funds must be used to meet a portion of the matching requirement.

The Department favors utilizing State revenues in financing the national school lunch program. At present the States are more than achieving the existing matching requirement by relying on children's payments and local contributions. The Department believes that State revenues should bear at least a portion of what has always been designated the "State share" of national school lunch costs. If the "State share" is properly borne by State revenues, children's payments and local contributions there will be no need to alter the present 3-to-1 matching requirement.

5. Section 5 is a technical and clarifying amendment with reference to assistance to State agencies for administrative expenses where more than one State agency is providing direct services to child food service programs.

The Department has no objection to this section.

6. Section 6(a) would place a ceiling of 20 cents on any reduced price meal offered under the school lunch program.

The Department does not favor this provision because it imposes a restriction that many schools may not be able to meet until the time comes that fully adequate funding from Federal, State, and local sources is assured. This concept could more effectively be fulfilled through program regulations that can be adapted to changing situations.

Section 6(b) provides that in the child food service programs there shall be no overt identification of those children who receive free and reduced price meals.

The Department favors this approach but believes it should be strengthened by requiring that each school's policy and procedures with respect to eligibility for free and reduced price meals should be a publicly announced policy setting forth the specific criteria for eligibility. Only in this way can there be assurance that everyone in the community knows and understands the rules.

Section 6(c) provides a legislative base for strengthening regulations related to the donation of price support and section 32 foods to schools that do not participate in the national school lunch program. The provisions of section 6(c) would enable the Secretary to establish standards for these schools similar to the policies with respect to free meals and nutritional requirements as now apply to schools in the national school lunch program.

The Department favors this provision.

7. Section 7 proposes substantial changes in the administration of section 11 of the National School Lunch Act with respect to special financial assistance to particularly needy schools.

Section 7(a) authorizes \$200 million for section 11 in fiscal year 1970; \$250 million for fiscal year 1971, and \$300 million for fiscal year 1972.

Section 7(b) would, in effect, permit section 11 money to follow the child rather than restricting assistance to reach only eligible schools. Section 7(b) would also authorize reimbursement for up to 80 percent of the cost of operating a lunch program in situations of severe need.

The Department is sympathetic to the intent of these proposals. However, we believe it would be preferable to have an appropriation authority but to eliminate specific authorizations and to amend section 11 to eliminate the criteria involving school eligibility and substitute a simple, direct authority for the Secretary to provide additional assistance for any needy child in any participating school.

8. Section 8 authorizes the issuance of standards relating to the operation of separate food services in a school that are in direct competition with the nonprofit programs assisted under the National School Lunch and Child Nutrition Acts.

The Department favors this provision.

9. Section 9 provides for assistance in a variety of ways to strengthen State and local administration and training in child food service programs.

At the present time, funds are available to assist in strengthening State administration of the food service programs directed primarily to needy children. The Department does not favor the extension of

this type of assistance to the local level. Basically, this would involve the Department in financing a part of local administrative costs in thousands of individual school districts throughout the country.

Section 9 would also establish a National Advisory Council on child food programs. Although the Department does not object to the formation of such a Council, it is felt that the proposal should not specify in detail, as it does, the membership of such a Council. As the provision now stands, Council membership would draw from a very limited group of experts.

10. Section 10 extends school food service participation to the Trust Territory of the Pacific Islands. This is consistent with the authority in Public Law 90-302 to assist food service operations in the Trust Territories for children in preschool and summer programs.

There was not sufficient time prior to the hearing of this bill to obtain the advice of the Bureau of the Budget.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

EXHIBIT A

U.S. SENATE,
SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS,
Washington, D.C., November 17, 1969.

HON. ALLEN J. ELLENDER,
*Chairman, Committee on Agriculture and Forestry,
Old Senate Office Building,
Washington, D.C.*

DEAR ALLEN: Due to a meeting of the Commission on Party Structure and Delegate Selection on Wednesday, November 19, 1969, I will be unable to attend the executive session of the Committee on Agriculture and Forestry on that day.

I had planned to be present and to offer the attached amendments for consideration when the Committee took up pending child nutrition legislation. I would greatly appreciate it if you would present these amendments to the Committee for consideration in my absences.

Should further meetings to consider child nutrition legislation be scheduled, I plan to be present to discuss these amendments.

Thank you for your kind consideration.

Sincerely,

GEORGE MCGOVERN, *Chairman.*

[91st Cong., first sess.]

S. —

IN THE SENATE OF THE UNITED STATES

Referred to the Committee on Agriculture and Forestry and ordered to be printed.

Ordered to lie on the table and to be printed.

AMENDMENT

Intended to be proposed by Mr. McGOVERN -----
to S. —, a bill viz: At the appropriate place in the bill insert the following:

SCHOOL DISTRICTS TO BE CONTRACTING AGENCIES

SEC. —. (a) The first sentence of section 6, the first sentence of section 7, the first sentence of section 8, the first sentence of section 9, the first sentence of section 11(a), the first and second sentences of section 11(e), and the first sentence of section 12(a) of the National School Lunch Act are each amended by striking out the word “schools” each time it appears and inserting in lieu thereof “local educational agencies”.

(b) The second and fourth sentences of section 8 and the third and fifth sentences of section 9 of the National School Lunch Act are each amended by striking the word “school” and inserting in lieu thereof “local educational agency”.

(c) The first, third, and fourth sentences of section 4(c), the first sentence of section 5(a), the first sentence of section 5(c), the second sentence of section 8, and the first and second sentences of section 13 of the Child Nutrition Act of 1966 are each amended by striking the word “schools” and inserting in lieu thereof “local educational agencies”.

(d) The third sentence of section 5(c), and the first sentence of section 8 of the Child Nutrition Act of 1966 are each amended by striking the word “school” and inserting in lieu thereof “local educational agency”.

(e) The first sentence of section 16 of the Child Nutrition Act of 1966 is amended by striking out “schools” and inserting in lieu thereof “local educational agency, nonprofit private schools”.

NATIONAL ELIGIBILITY STANDARDS

SEC. —. The National School Lunch Act is amended by adding at the end thereof the following new sections:

“ELIGIBILITY STANDARDS

“SEC. 14. (a) Children from families whose income is determined to be insufficient to purchase a nutritionally adequate diet shall be eligible to receive free or reduced price meals under this Act and the Child Nutrition Act of 1966. Children from families with incomes in equivalent to \$4,000 per year or less for a family of four persons shall receive free meals. A reduced price meal may not be sold for more than 20 cents or an equal amount to 20 percent of the regular price at which such meal is sold to children, whichever is less. The Secretary shall prescribe, not less often than once a year, the minimum level of income households composed of varying numbers of persons must have in order to purchase a nutritionally adequate diet for the members of such households and at the same time be financially able to meet other normal living expenses of the households, but in no case shall the minimum income level prescribed by the Secretary be less for any household than the equivalent of \$4,000 per year for a household composed of four persons. In prescribing minimum income levels for households under this section the Secretary may take into consideration such relevant factors as he deems appropriate, but may not consider the appropriations or expected appropriations available for the purposes of carrying out this Act. The Secretary shall also prescribe the maximum level of income for households composed of varying numbers of persons, and

children from households whose income exceeds such level shall be ineligible to participate in programs under this Act and the Child Nutrition Act of 1966. Income limitations under this subsection shall be revised annually to reflect any increase in the cost of living as determined on the basis of the Consumer Price Index (all items, United States city average) published monthly by the Bureau of Labor Statistics, Department of Labor.

“(b) In complying with limitations on participation set forth in subsection (a), each State educational agency shall establish standards to determine the eligibility of applicants. Such standards shall comply with the maximum and minimum income levels prescribed by the Secretary under subsection (a) of this section and shall also place a limitation on the resources to be allowed eligible households, but such limitations shall apply only to the income, if any, of such resources and not to any income which might be realized by the liquidation of such resources. Any child shall be eligible to participate in the national school lunch program under this Act or in the program provided for under the Child Nutrition Act of 1966 if the household of which he is a member meets the income limitations prescribed pursuant to subsection (a) or if such household is eligible to participate in any other Federal food assistance program; and the standards of eligibility shall require no more proof of annual income or eligibility to participate in another Federal food assistance program than an affidavit filed by the parent or guardian of such child stating the annual income of the household or stating that such household is eligible to participate in another Federal food assistance program, as the case may be.

“REQUIREMENT OF STATE PLANS

“SEC. 15. (a) Not later than the end of each school year, each State in which local educational agencies are participating in the school lunch program shall submit to the Secretary a State plan of operation for the next fiscal year. Such report shall include a detailed description by the State education agency of the comprehensive plan by which the State educational agency plans to bring every eligible local educational agency in the State into the national school lunch program by the end of fiscal year 1973. Such plan shall include a detailed description of the specific manner in which Federal funds are to be used within the State for the purposes of this Act. All plans shall be subject to approval by the Secretary as a prerequisite to receipt of any Federal child feeding funds.

“(b) Each local educational agency participating in the national school lunch program shall be required to report monthly to the State educational agency the number of children eligible for free lunches and the number of children actually receiving free lunches, the number of children eligible for reduced price lunches and the number actually receiving reduced price lunches. The State educational agency shall report such information to the Department of Agriculture every month.”

DEFINITION OF LOCAL EDUCATIONAL AGENCY

SEC.—(a) Section 12(d) of the National School Lunch Act is amended by adding at the end thereof the following:

“(8) ‘Local educational agency’ means school district or the local governmental body synonymous with school district.”

(b) Section 15 of the Child Nutrition Act of 1966 is amended by adding at the end thereof the following:

“(f) ‘Local educational agency’ means school district of the local governmental body synonymous with school district.”

EXPLANATION OF AMENDMENTS TO NATIONAL SCHOOL LUNCH ACT
AND CHILD NUTRITION ACT OF 1966 PROPOSED BY SENATOR GEORGE
MCGOVERN

EXPLANATION OF FIRST SECTION

As the National School Lunch Act now reads, States disburse monies to schools pursuant to agreements with them, and a school is “any public or non-profit private school of high school or grade or under . . .” The Act’s regulations, however, refer not to schools themselves, but to “the governing body responsible” for their administration, which may mean an individual attendance unit (a school) or may mean an entire school district governing hundreds of individual schools. Thus we presently have 100,000 possible governing bodies ranging from schools to multi-school districts. The result is a chaotic situation where rules for eligibility for free and reduced price lunches vary from school to school, and 100,000 governing bodies operate on a financially independent basis purchasing separately school by school and feeding all children in one school while children in a neighboring school go without. Such a system is wasteful, and calls for a change that would facilitate economics of purchasing scale, and program uniformity.

This amendment replacing the term “school” with the term “local educational agency” a term synonymous with “school district” would put an end to the state and local option of allowing individual schools rather than school districts to be contracting agencies. It would reduce from over 100,000 to about 20,000 the number of governing bodies instituting local school lunch policy and result in improved purchasing economy and more uniform administration of the program.

EXPLANATION OF SECTION 14 (A) AND (B)

This proposal is designed to establish a uniform standard of eligibility for free and reduced price meals (both breakfasts and lunches) and enable the Department of Agriculture to enforce its own regulations and guidelines.

It would also finally uniformly define a reduced price meal as one costing not more than 20 cents or 20 percent of its purchase price, whichever is less. Further, it would clearly separate eligibility for free meals from eligibility for reduced price meals by establishing a standard eligibility for free meals of \$4,000 income per year for a family of four. Eligibility for reduced price meals would begin at \$4,000 income per year for a family of four. It would also result in an increase in the number of children receiving free meals.

EXPLANATION OF SECTION 15 (a) AND (b)

This amendment would provide the Department of Agriculture with data crucial to the implementation of the avowed purpose of the National School Lunch Act, bringing lunches to all school children.

The states would have to report on how they planned to use the six sources of money they automatically receive each year, and how this would work to accomplish the above mentioned objective. This would prevent the difficulties of the past such as the inadequate use of Perkins money that took place last year. In this case most of the Perkins money was spent on replacing equipment and meeting increased program costs rather than providing increased free and reduced price lunches. This was done we suspect simply because it is easier to spend money this way than to plan adequately to implement a comprehensive plan.

Further, it will for the first time require that the number of free and reduced price meals served be reported separately, allowing the Department to accurately determine the effectiveness of the program, and its future budgetary needs.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

NATIONAL SCHOOL LUNCH ACT (42 U.S.C. 1751 et seq.)

AN ACT To provide assistance to the States in the establishment, maintenance, operation, and expansion of school-lunch programs, and for other purposes

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National School Lunch Act."

DECLARATION OF POLICY

SEC. 2. It is hereby declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment, maintenance, operation, and expansion of nonprofit school-lunch programs.

APPROPRIATIONS AUTHORIZED

SEC. 3. For each fiscal year there is hereby authorized to be appropriated, out of money in the Treasury not otherwise appropriated, such sums as may be necessary to enable the Secretary of Agriculture (hereinafter referred to as "the Secretary") to carry out the provisions of this Act, other than sections 11 and 13. *Appropriations to carry out the provisions of this Act and of the Child Nutrition Act of 1966 for any fiscal year are authorized to be made a year in advance of the beginning of the fiscal year in which the funds will become available for disbursement to the States. Notwithstanding any other provision of law, any funds appropriated to carry out the provisions of such Acts shall remain available for the purposes of the Act for which appropriated until expended.*

APPORTIONMENTS TO STATES

SEC. 4. The sums appropriated for any fiscal year pursuant to the authorization contained in section 3 of this Act, excluding the sum specified in section 5, shall be available to the Secretary for supplying agricultural commodities and other foods for the program in accordance with the provisions of this Act. The Secretary shall apportion among the States during each fiscal year not less than 75 per centum of the funds made available for such year for supplying agricultural commodities and other foods under the provisions of section 3 of this Act. Apportionment among the States shall be made upon the basis of two factors: (1) the participation rate for the State, and (2) the assistance need rate for the State. The amount of apportionment to any State shall be determined by the following method: First, determine an index for the State by multiplying factors (1) and (2); second, divide this index by the sum of the indices for all the States (exclusive of American Samoa for periods ending before July 1, 1967); and third, apply the figure thus obtained to the total funds to be apportioned. If any State cannot utilize all funds so apportioned to it, or if additional funds are made available under section 3 for apportionment among the States, the Secretary shall make further apportionments to the remaining States in the same manner. Notwithstanding the foregoing provisions of this section, (1) for the fiscal year beginning July 1, 1962, three-quarters of any funds available for apportionment among the States shall be apportioned in the manner used prior to such fiscal year, and one-quarter of any such funds shall be apportioned in accordance with the foregoing sentences of this section, (2) for the fiscal year beginning July 1, 1963, one-half of any funds available for apportionment among the States shall be apportioned in the manner used prior to the fiscal year beginning July 1, 1962, and one-half of any such funds shall be apportioned in accordance with the foregoing sentences of this section, (3) for the fiscal year beginning July 1, 1964, one-quarter of any funds available for apportionment among the States shall be apportioned in the manner used prior to the fiscal year beginning July 1, 1962, and three-quarters of any such funds shall be apportioned in accordance with the foregoing sentences of this section, and (4) for the five fiscal years in the period beginning July 1, 1962, and ending June 30, 1967, the amount apportioned to American Samoa shall be \$25,000 each year, which amount shall be first deducted from the funds available for apportionment in determining the amounts to be apportioned to the other States.

NONFOOD ASSISTANCE

SEC. 5. Of the sums appropriated for any fiscal year pursuant to the authorization contained in section 3 of this Act, \$10,000,000 shall be available to the Secretary for the purpose of providing, during such fiscal year, nonfood assistance for the school-lunch program pursuant to the provisions of this Act. The Secretary shall apportion among the States during each fiscal year the aforesaid sum of \$10,000,000, and such apportionment among the States shall be on the basis of the factors, and in accordance with the standards, set forth in section 4 with respect to the apportionment for agricultural commodities and other foods.

SEC. 6. The funds [appropriated] *provided by appropriation or transfer from other accounts for any fiscal year for carrying out the provisions of this Act [except section 13], and for carrying out the provisions of the Child Nutrition Act of 1966, other than section 3 thereof, [less not] less*

(1) *not to exceed 3½ per centum thereof which per centum is hereby made available to the Secretary for his administrative expenses under this Act and under the Child Nutrition Act of 1966;*

(2) [less] *the amount apportioned by him pursuant to sections 4 [5, and 10,] and 5 of this Act and [less] the amount appropriated pursuant to [section] sections 11 and 13 of this Act and sections 4, 5, and 7 of the Child Nutrition Act of 1966; and*

(3) *not to exceed 1 per centum of the funds provided for carrying out the programs under this Act and the programs under the Child Nutrition Act of 1966, other than section 3, which per centum is hereby made available to the Secretary to supplement the nutritional benefits of these programs through grants to States and other means for nutritional training and education for workers, cooperators, and participants in these programs and for necessary surveys and studies of requirements for food service programs in furtherance of the purposes expressed in section 2 of this Act and section 2 of the Child Nutrition Act of 1966,*

shall be available to the Secretary during such year for direct [expenditures] expenditure by him for agricultural commodities and other foods to be distributed among the States and schools and service institutions participating in the [school-lunch] food service programs under this Act and under the Child Nutrition Act of 1966 in accordance with the needs as determined by the local school and service institution authorities. The provisions of law contained in the proviso of the Act of June 28, 1937 (50 Stat. 323), facilitating operations with respect to the purchase and disposition of surplus agricultural commodities under section 32 of the Act approved August 24, 1935 (49 Stat. 774), as amended, shall, to the extent not inconsistent with the provisions of this Act, also be applicable to expenditures of funds by the Secretary under this Act.

PAYMENTS TO STATES

SEC. 7. Funds apportioned to any State pursuant to section 4 or 5 during any fiscal year shall be available for payment to such State for disbursement by the State educational agency, in accordance with such agreements not inconsistent with the provisions of this Act, as may be entered into by the Secretary and such State educational agency, for the purpose of assisting schools of that State during such fiscal year, in supplying (1) agricultural commodities and other foods for consumption by children and (2) nonfood assistance in furtherance of the school-lunch program authorized under this Act. Such payments to any State in any fiscal year during the period 1947 to 1950, inclusive, shall be made upon condition that each dollar thereof will be matched during such year by \$1 from sources within the State determined by the Secretary to have been expended in connection with the school-lunch program under this Act. Such payments in any fiscal year during the period 1951 to 1955, inclusive,

shall be made upon condition that each dollar thereof will be so matched by one and one-half dollars; and for any fiscal year thereafter, such payments shall be made upon condition that each dollar will be so matched by \$3. In the case of any State whose per capita income is less than the per capita income of the United States, the matching required for any fiscal year shall be decreased by the percentage which the State per capita income is below the per capita income of the United States. For the purpose of determining whether the matching requirements of this section and section 10, respectively, have been met, the reasonable value of donated services, supplies, facilities, and equipment as certified, respectively, by the State educational agency and in case of schools, receiving funds pursuant to section 10, by such schools (but not the cost or value of land, of the acquisition, construction, or alteration of buildings of commodities donated by the Secretary, or of Federal contributions), may be regarded as funds from sources within the State expended in connection with the school-lunch program. *For the fiscal year beginning July 1, 1971, and the fiscal year beginning July 1, 1972, State revenue (other than revenues derived from the program) appropriated or utilized specifically for program purposes (other than salaries and administrative expenses at the State, as distinguished from local, level) shall constitute at least 4 per centum of the matching requirement; for each of the two succeeding fiscal years, at least 6 per centum of the matching requirement; for each of the subsequent two fiscal years, at least 8 per centum of the matching requirement; and for each fiscal year thereafter, at least 10 per centum of the matching requirement. The State revenues made available pursuant to the preceding sentence shall be disbursed to schools, to the extent the State deems practicable, in such manner that each school receives the same proportionate share of such revenues as it receives of the funds apportioned to the State for the same year under sections 4 and 11 of the National School Lunch Act and sections 4 and 5 of the Child Nutrition Act of 1966. The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under this section and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay the State at the time or times fixed by the Secretary the amounts so certified.*

STATE DISBURSEMENT TO SCHOOLS

SEC. 8. Funds paid to any State during any fiscal year pursuant to section 4 or 5 shall be disbursed by the State educational agency, in accordance with such agreements approved by the Secretary as may be entered into by such State agency and the schools in the State, to those schools in the State which the State educational agency, taking into account need and attendance, determines are eligible to participate in the school-lunch program. Such disbursement to any school shall be made only for the purpose of reimbursing it for the cost of obtaining agricultural commodities and other foods for consumption by children in the school-lunch program and nonfood assistance in connection with such program. Such food costs may include, in addition to the purchase price of agricultural commodities and other foods, the cost of processing, distributing, transporting, storing, or handling thereof. In no event shall such disbursement for food to any school for any fiscal year

exceed an amount determined by multiplying the number of lunches served in the school in the school-lunch program under this Act during such year by the maximum Federal food-cost contribution rate for the State, for the type of lunch served, as prescribed by the Secretary.

NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

SEC. 9. Lunches served by schools participating in the school-lunch program under this Act shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research; except that such minimum nutritional requirements shall not be construed to prohibit the substitution of foods to accommodate the medical or other special dietary needs of individual students. Such meals shall be served without cost or at a reduced cost to children who are determined by local school authorities to be unable to pay the full cost of the lunch. *Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions.* No physical segregation of or other discrimination against any child shall be made by the school because of his inability to pay, *nor shall there be any overt identification of any such child by special tokens or tickets, announced or published lists of names, or other means.* School-lunch programs under this Act shall be operated on a nonprofit basis. Each school shall, insofar as practicable, utilize in its lunch program commodities designated from time to time by the Secretary as being in abundance, either nationally or in the school area, or commodities donated by the Secretary. Commodities purchased under the authority of section 32 of the Act of August 24, 1935 (49 Stat. 774), as amended, may be donated by the Secretary to schools, in accordance with the needs as determined by local school authorities, for utilization in the school-lunch program under this Act as well as to other schools carrying out nonprofit school-lunch programs and institutions authorized to receive such commodities. *The Secretary is authorized to prescribe terms and conditions respecting the use of commodities donated under such section 32, under section 416 of the Agricultural Act of 1949, as amended, and under section 709 of the Food and Agriculture Act of 1965, as amended, as will maximize the nutritional and financial contributions of such donated commodities in such schools and institutions.*

NONPROFIT PRIVATE SCHOOLS

SEC. 10. If, in any State, the State educational agency is not permitted by law to disburse the funds paid to it under this Act to nonprofit private schools in the State, or is not permitted by law to match Federal funds made available for use by such nonprofit private schools, the Secretary shall withhold from the funds apportioned to any such State under sections 4 and 5 of this Act an amount which bears the same ratio to such funds as the number of lunches, consisting of a combination of foods and meeting the minimum requirements prescribed by the Secretary pursuant to section 9, served in the [preceding fiscal year] *fiscal year beginning two years immediately prior to the fiscal*

year for which the Federal funds are appropriated by all nonprofit private schools participating in the program under this Act within the State, as determined by the Secretary, bears to the participation rate for the State. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within said State for the same purposes and subject to the same conditions as are authorized or required with respect to the disbursement to schools within the State by the State educational agency, including the requirement that any such payment or payments shall be matched, in the proportion specified in section 7 for such State, by funds from sources within the State expended by nonprofit private schools within the State participating in the school-lunch program under this Act. Such funds shall not be considered a part of the funds constituting the matching funds under the terms of section 7.

SPECIAL ASSISTANCE

SEC. 11. (a) There **[is]** *are* hereby authorized to be appropriated **[\$10,000,000 for the fiscal year ending June 30, 1963, and such sums as may be necessary for each succeeding fiscal year to provide special assistance to schools drawing attendance from areas in which poor economic conditions exist, for the purpose of helping such schools to meet the requirement of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches]** *for the fiscal year ending June 30, 1971, and for each succeeding fiscal year such sums as may be necessary to provide special assistance to assure access to the school lunch program under this Act by children of low-income families.*

(b) Of the sums appropriated pursuant to this section for any fiscal year, 3 per centum shall be available for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. From the funds so available the Secretary shall apportion to each such State an amount which bears the same ratio to **[the total of]** such funds as the number of **[free or reduced-price lunches served in accordance with section 9 of this Act in such State in the preceding fiscal year bears to the total number of such free or reduced-price lunches served in all such States in the preceding fiscal year: Provided, That for the fiscal year ending June 30, 1963, \$5,000 shall be apportioned to American Samoa, which amount shall be first deducted from the total amount available for apportionment under this subsection]** *children aged three to seventeen, inclusive, in such State bears to the total number of such children in all such States.* If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such **[States]** *State which [justify] justifies, on the basis of operating experience, the need for additional funds for such purposes.*

(c) **[Of the]** *The* remaining sums appropriated pursuant to this section for any fiscal year**[, not less than 50 per centum]** shall be apportioned among States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa**[, on the basis of the following factors for each State: (1) the number of free or reduced-price lunches served in accordance with section 9 of this Act in the preceding fiscal year, and (2) the assistant need rate. These factors shall be applied in the following manner: First, determine an index for each State by multi-**

plying factors (1) and (2); second, divide this index by the sum of the indices for all such States; and, third, apply the figure thus obtained to the total funds to be apportioned. *The amount apportioned to each State shall bear the same ratio to such remaining funds as the number of children in such State aged three to seventeen, inclusive, in families with incomes of not more than \$3,000 per annum plus the number of such children in families that receive more than \$3,000 per annum from federally assisted public assistance programs, bears to the total number of such children in all such States.* [Any funds so initially apportioned which cannot be used for the purpose of this section by the State to which apportioned, together with the remainder of the funds available under this subsection, shall be further apportioned by the Secretary on the same basis as the initial apportionment to such States which justify on the basis of operating experience the need for additional funds to meet the need of students in such States for free or reduced-price lunches in schools deemed eligible by their State educational agencies for special assistance in accordance with the factors set forth in subsection (e) of this section.] *If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such State which justifies, on the basis of operating experience, the need for additional funds for such purposes.*

(d) Payment of the funds apportioned to any State under this section shall be made as provided in the last sentence of section 7 of the Act.

(e) [Funds] *Except as provided in paragraph (g), funds* paid to any State [during] for any fiscal year pursuant to this section shall be disbursed to [selected] schools in such State [to assist such schools in the purchase of] *only for the purpose of reimbursing them for the cost of obtaining agricultural commodities and other foods for consumption by children in the school lunch program.* [The selection of schools and the amounts of funds that each shall from time to time receive (within a maximum per lunch amount established by the Secretary for all the States) shall be determined by the State educational agency on the basis of the following factors: (1) The economic condition of the area from which such schools draw attendance; (2) the needs of pupils in such schools for free or reduced-price lunches; (3) the percentages of free and reduced-price lunches being served in such schools to their pupils; (4) the prevailing price of lunches in such schools as compared with the average prevailing price of lunches served in the State under this Act; and (5) the need of such schools for additional assistance as reflected by the financial position of the school lunch programs in such schools.] *The amounts of funds that each school shall from time to time receive (within a maximum per lunch amount established by the Secretary for all the States) shall be based on the need of the school for assistance in meeting the requirement of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches.*

(f) If in any State the State educational agency is not permitted by law to disburse funds paid to it under this Act to nonprofit private schools in the State, the Secretary shall withhold from the funds apportioned to such State under subsections (b) or (c) of this section an amount which bears the same ratio to such funds as the number of

free and reduced-price lunches served in accordance with section 9 of this Act in the **[[preceding fiscal year]]** *fiscal year beginning two years immediately prior to the fiscal year for which the funds are appropriated* by all nonprofit private schools participating in the program under this Act in such State bears to the number of such free and reduced-price lunches served during such year by all schools participating in the program under this Act in such State. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within such State for the same purposes and subject to the same conditions as are applicable to a State educational agency disbursing funds under this section.

“(g) In circumstances of severe need where the rate per lunch which the school would otherwise receive is determined by the Secretary to be insufficient to carry out an effective school lunch program in such school, he may authorize financial assistance up to 80 per centum of the operating costs of such program, including the cost of obtaining, preparing, and serving food. In the selection of schools to receive assistance under this subsection, the State educational agency shall require applicant schools to provide justification of the need for such assistance.”

[(g)] (h) In carrying out this section, the terms and conditions governing the operation of the school lunch program set forth in other sections of this Act, including those applicable to funds apportioned or paid pursuant to **[[sections]]** *section 4 or 5* but excluding the provisions of section 7 relating to matching, shall be applicable to the extent they are not inconsistent with the express requirements of this section.

MISCELLANEOUS PROVISIONS AND DEFINITIONS

SEC. 12. (a) States, State educational agencies, and schools participating in the school-lunch program under this Act shall keep such accounts and records as may be necessary to enable the Secretary to determine whether the provisions of this Act are being complied with. Such accounts and records shall at all times be available for inspection and audit by representatives of the Secretary and shall be preserved for such period of time, not in excess of five years, as the Secretary determines is necessary.

(b) The Secretary shall incorporate, in his agreements with the State educational agencies, the express requirements under this Act with respect to the operation of the school-lunch program under this Act insofar as they may be applicable and such other provisions as in his opinion are reasonably necessary or appropriate to effectuate the purposes of this Act.

(c) In carrying out the provisions of this Act, neither the Secretary nor the State shall impose any requirement with respect to teaching personnel, curriculum, instruction, methods of instruction, and materials of instruction in any school.

(d) For the purposes of this Act—

(1) “State” means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, or American Samoa.

(2) “State educational agency” means, as the State legislature may determine, (A) the chief State school officer (such as the State superintendent of public instruction, commissioner of educa-

tion, or similar officer), or (B) a board of education controlling the State department of education; except that in the District of Columbia it shall mean the Board of Education.

(3) "Nonprofit private school" means any private school exempt from income tax under section 501(c)(3) of the Internal Revenue Code of 1954.

(4) "Nonfood assistance" means equipment used by schools in storing, preparing, or serving food for school children.

(5) "Participation rate" for a State means a number equal to the number of lunches, consisting of a combination of foods and meeting the minimum requirements prescribed by the Secretary pursuant to section 9, served in the [preceding fiscal year] *fiscal year beginning two years immediately prior to the fiscal year for which the Federal funds are appropriated* by schools participating in the program under this Act in the State, as determined by the Secretary.

(6) "Assistance need rate" (A) in the case of any State having an average annual per capita income equal to or greater than the average annual per capita income for all the States, shall be 5; and (B) in the case of any State having an average annual per capita income less than the average annual per capita income for all the States, shall be the product of 5 and the quotient obtained by dividing the average annual per capita income for all the States by the average annual per capita income for such State, except that such product may not exceed 9 for any such State. For the purposes of this paragraph (i) the average annual per capita income for any State and for all the States shall be determined by the Secretary on the basis of the average annual per capita income for each State and for all the States for the three most recent years for which such data are available and certified to the Secretary by the Department of Commerce; and (ii) the average annual per capita income for American Samoa shall be disregarded in determining the average annual per capita income for all the States for periods ending before July 1, 1967.

(7) "School" means any public or nonprofit private school of high school grade or under and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico.

SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

SEC. 13. (a) (1) There is authorized to be appropriated \$32,000,000 for each of the three fiscal years ending June 30, 1969, June 30, 1970, and June 30, 1971, to enable the Secretary to formulate and carry out a pilot program to assist States through grants-in-aid and other means, to initiate, maintain, or expand nonprofit food service programs for children in service institutions. For purposes of this section, the term "service institutions" means private, nonprofit institutions or public institutions, such as child day-care centers, settlement houses, or recreation centers, which provide day care, or other child care where children are not maintained in residence, for children from areas in which poor economic conditions exist and from areas in which there are high concentrations of working mothers, and includes public

and private nonprofit institutions providing day care services for handicapped children.

(2) Subject to all the provisions of this section, the term "service institutions" also includes public or private nonprofit institutions that develop special summer programs providing food service similar to that available to children under the National School Lunch or School Breakfast Programs during the school year, including such institutions providing day care services for handicapped children.

(b)(1) Of the funds appropriated for the purposes of this section for any fiscal year, the Secretary shall reserve 2 per centum for apportionment to Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands. Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands shall each be paid an amount which bears the same ratio to the total of such reserved funds as the number of children aged three to seventeen, inclusive, in each bears to the total number of children of such ages in all of them.

(2) From the remainder of the funds appropriated for any fiscal year, the Secretary shall pay to each State such sums as he deems appropriate, but not more than \$50,000, as a basic grant. In addition, the Secretary shall allot to each State from the funds remaining after the basic grants have been made an amount which bears the same ratio to such remaining funds as the number of children in that State aged three to seventeen, inclusive, in families with incomes of less than \$3,000 per annum bears to the total number of such children in all the States. For the purposes of this paragraph, the term "State" does not include Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(c)(1) Funds paid to any State under this section shall be disbursed by the State educational agency to service institutions, selected on a nondiscriminatory basis by the State educational agency, (A) to reimburse the service institutions for the cost of obtaining agricultural commodities and other foods, and (B) for the purposes of paragraphs (2) and (3) of this subsection. The costs of obtaining agricultural commodities and other foods may include the cost of the processing, distributing, transporting, or handling thereof. Disbursement to participating service institutions shall be made at such rate of reimbursement per meal as the Secretary shall prescribe.

(2) In circumstances of severe need where the rate per meal established by the Secretary is insufficient to carry on an effective feeding program, the Secretary may authorize financial assistance not to exceed 80 per centum of the operating costs of such a program, including the cost of obtaining, preparing, and serving food. In the selection of institutions to receive assistance under this subsection, the State educational agency shall require the applicant institutions to provide justification of the need for such assistance.

(3) Not to exceed 25 per centum of the funds paid to any State may be used by the State to assist service institutions by paying not to exceed 75 per centum of the cost of the purchase or rental of equipment, other than land and buildings, for the storage, preparation, transportation, and serving of food to enable the service institutions to establish, maintain, and expand food service under this section.

(d) If in any State the State educational agency is not permitted by law or is otherwise unable to disburse the funds paid to it under this section to any service institution in the State, the Secretary shall withhold all funds apportioned under this section and shall disburse the funds so withheld directly to service institutions in the State for the same purpose and subject to the same conditions as are required of a State educational agency disbursing funds made available under this section.

(e) Notwithstanding the provisions of any other law, balances of funds appropriated for the purposes of this section and unobligated at the end of any fiscal year shall remain available for obligation during the first three months of the following fiscal year.

(f) Service institutions to which funds are disbursed under this section shall serve meals consisting of a combination of foods and meeting minimum nutritional standards prescribed by the Secretary on the basis of tested nutritional research. Such meals shall be served without cost or at a reduced cost to children determined by the service institutions to be unable to pay the full cost. *Such determinations shall be made by the service institution authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions.* In making such determination, service institution authorities should, to the extent practicable, consult with public welfare and health agencies. No physical segregation or other discrimination against any child shall be made because of his inability to pay, *nor shall there be any overt identification of any such child by special tokens or tickets, announced or published lists of names, or other means.*

(g) If any State cannot utilize all funds apportioned to it, or if additional funds are made available for apportionment among the States, under this section, the Secretary shall make further apportionments to the remaining States in the manner prescribed in subsection (b).

(h) (1) The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under this section of the Act and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified.

(2) Each service institution participating under this section shall, insofar as practicable, utilize in its program foods designated from time to time by the Secretary as being in abundance, either nationally or in the institution area, or foods donated by the Secretary. Irrespective of the amount of funds appropriated under this section, foods available under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) or purchased under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), or section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a-1), may be donated by the Secretary to service institutions in accordance with the needs as determined by authorities of these institutions for utilization in their feeding programs.

(3) The value of assistance to children under this section shall not be considered to be income or resources for any purpose under any Federal or State laws, including laws relating to taxation and

welfare and public assistance programs. Expenditures of funds from State and local sources for the maintenance of food programs for children shall not be diminished as a result of funds received under this section.

(4) There is hereby authorized to be appropriated for any fiscal year such sums as may be necessary to the Secretary for his administrative expenses under this section.

(5) States, State educational agencies, and service institutions participating in programs under this section shall keep such accounts and records as may be necessary to enable the Secretary to determine whether there has been compliance with this section and the regulations hereunder. Such accounts and records shall at all times be available for inspection and audit by representatives of the Secretary and shall be preserved for such period of time, not in excess of five years, as the Secretary determines is necessary.

"NATIONAL ADVISORY COUNCIL

"Sec. 14. (a) There is hereby established a council to be known as the National Advisory Council on Child Nutrition (hereinafter in this section referred to as the 'Council') which shall be composed of thirteen members appointed by the Secretary. One member shall be a school administrator, one member shall be a person engaged in child welfare work, one member shall be a person engaged in vocational education work, one member shall be a nutrition expert, one member shall be a school food service management expert, one member shall be a State superintendent of schools (or the equivalent thereof), one member shall be a State school lunch director (or the equivalent thereof), one member shall be a person serving on a school board, one member shall be a classroom teacher, and four members shall be officers or employees of the Department of Agriculture specially qualified to serve on the Council because of their education, training, experience, and knowledge in matters relating to child food programs.

"(b) The nine members of the Council appointed from outside the Department of Agriculture shall be appointed for terms of three years, except that such members first appointed to the Council shall be appointed as follows: Three members shall be appointed for terms of three years, three members shall be appointed for terms of two years, and three members shall be appointed for terms of one year. Thereafter all appointments shall be for a term of three years, except that a person appointed to fill an unexpired term shall serve only for the remainder of such term. Members appointed from the Department of Agriculture shall serve at the pleasure of the Secretary.

"(c) The Secretary shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Council.

"(d) The Council shall meet at the call of the Chairman but shall meet at least once a year.

"(e) Seven members shall constitute a quorum and a vacancy on the Council shall not affect its powers.

"(f) It shall be the function of the Council to make a continuing study of the operation of programs carried out under the National School Lunch Act, the Child Nutrition Act of 1966, and any related Act under which meals are provided for children, with a view to determining how such programs may be improved. The Council shall

submit to the President and the Congress annually a written report of the results of its study together with such recommendations for administrative and legislative changes as it deems appropriate.

“(g) The Secretary shall provide the Council with such technical and other assistance, including secretarial and clerical assistance, as may be required to carry out its functions under this Act.

“(h) Members of the Council shall serve without compensation but shall receive reimbursement for necessary travel and subsistence expenses incurred by them in the performance of the duties of the Council.”

CHILD NUTRITION ACT OF 1966 (42 U.S.C. 1771 et seq.)

AN ACT

To strengthen and expand food service programs for children.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the “Child Nutrition Act of 1966”.

DECLARATION OF PURPOSE

SEC. 2. In recognition of the demonstrated relationship between food and good nutrition and the capacity of children to develop and learn, based on the years of cumulative successful experience under the national school lunch program with its significant contributions in the field of applied nutrition research, it is hereby declared to be the policy of Congress that these efforts shall be extended, expanded, and strengthened under the authority of the Secretary of Agriculture as a measure to safeguard the health and well-being of the Nation's children, and to encourage the domestic consumption of agricultural and other foods, by assisting States, through grants-in-aid and other means, to meet more effectively the nutritional needs of our children.

SPECIAL MILK PROGRAM AUTHORIZATION

SEC. 3. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1967, not to exceed \$110,000,000; for the fiscal year ending June 30, 1968, not to exceed \$115,000,000; and for each of the two succeeding fiscal years not to exceed \$120,000,000, to enable the Secretary of Agriculture, under such rules and regulations as he may deem in the public interest, to encourage consumption of fluid milk by children in the United States in (1) nonprofit schools of high school grade and under, and (2) nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children. For the purposes of this section “United States” means the fifty States and the District of Columbia. The Secretary shall administer the special milk program provided for by this section to the maximum extent practicable in the same manner as he administered the special milk program provided for by Public Law 85-478, as amended, during the fiscal year ended June 30, 1966.

SCHOOL BREAKFAST PROGRAM AUTHORIZATION

SEC. 4. (a) There is hereby authorized to be appropriated for the fiscal year 1969, \$6,500,000; and for the fiscal year 1970 not to exceed \$10,000,000; and for the fiscal year 1971 not to exceed \$12,000,000 to carry out a program to assist the States through grants-in-aid and other means to initiate, maintain, or expand nonprofit breakfast programs in schools. Appropriations and expenditures for this Act shall be considered Health, Education, and Welfare functions for budget purposes rather than functions of Agriculture.

APPORTIONMENT TO STATES

(b) Of the funds appropriated for the purposes of this section, the Secretary shall for each fiscal year, (1) apportion \$2,600,000 equally among the States other than Guam, the Virgin Islands, and American Samoa, and \$45,000 equally among Guam, the Virgin Islands, and American Samoa, and (2) apportion the remainder among the States in accordance with the apportionment formula contained in section 4 of the National School Lunch Act, as amended.

STATE DISBURSEMENT TO SCHOOLS

(c) Funds apportioned and paid to any State for the purpose of this section shall be disbursed by the State educational agency to schools selected by the State educational agency, to reimburse such schools for the cost of obtaining agricultural and other foods for consumption by needy children in a breakfast program and for the purpose of subsection (d). Such food costs may include, in addition to the purchase price, the cost of processing, distributing, transporting, storing, and handling. Disbursement to schools shall be made at such rates per meal or on such other basis as the Secretary shall prescribe. In selecting schools, the State educational agency shall, to the extent practicable, give first consideration to those schools drawing attendance from areas in which poor economic conditions exist and to those schools to which a substantial proportion of the children enrolled must travel long distances daily.

(d) In circumstances of severe need where the rate per meal established by the Secretary is deemed by him insufficient to carry on an effective breakfast program in a school, the Secretary may authorize financial assistance up to 80 per centum of the operating costs of such a program, including cost of obtaining, preparing, and serving food. In the selection of schools to receive assistance under this section, the State educational agency shall require applicant schools to provide justification of the need for such assistance.

NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

(e) Breakfasts served by schools participating in the school breakfast program under this section shall consist of a combination of foods and shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research. Such breakfasts

shall be served without cost or at a reduced cost only to children who are determined by local school authorities to be unable to pay the full cost of the breakfast. *Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions.* In making such determinations, such local authorities should, to the extent practicable, consult with public welfare and health agencies. No physical segregation of or other discrimination against any child shall be made by the school because of his inability to pay, *nor shall there be any overt identification of any such child by special tokens or tickets, announced or published lists of names, or other means.*

NONPROFIT PRIVATE SCHOOLS

(f) The withholding of funds for and disbursement to nonprofit private schools will be effected in accordance with section 10 of the National School Lunch Act, as amended, exclusive of the matching provisions thereof.

NONFOOD ASSISTANCE PROGRAM AUTHORIZATION

SEC. 5. (a) There is hereby authorized to be appropriated for the fiscal year ending ~~June 30, 1967~~, not to exceed \$12,000,000, for the fiscal year ending June 30, 1968, not to exceed \$15,000,000, for each of the two fiscal years ending June 30, 1969, and June 30, 1970, not to exceed \$18,000,000, and for each fiscal year thereafter such sums as the Congress may hereafter authorize ~~June 30, 1971, not to exceed \$28,000,000, for the fiscal year ending June 30, 1972, not to exceed \$33,000,000, for the fiscal year ending June 30, 1973, not to exceed \$15,000,000, and for each succeeding fiscal year, not to exceed \$10,000,000,~~ to enable the Secretary to formulate and carry out a program to assist the States through grants-in-aid and other means to supply schools drawing attendance from areas in which poor economic conditions exist with equipment, other than land or buildings, for the storage, preparation, transportation, and serving of food to enable such schools to establish, maintain, and expand school food service programs. In the case of a nonprofit private ~~[schools] school~~, such equipment shall be for the use of such ~~[schools] school~~ principally in connection with child feeding programs authorized in this Act and in the National School Lunch Act, as amended, and in the event such equipment is no longer so used, it may be transferred to another nonprofit private school participating in any of such programs or to a public school participating in any such programs, or, failing either of these dispositions, that part of such equipment financed with Federal funds, or the residual value thereof, shall revert to the United States.

APPORTIONMENTS TO STATES

(b) The Secretary shall apportion *50 per centum* of the funds appropriated for the purposes of this section among the States during each fiscal year on the same basis as apportionments are made under section 4 of the National School Lunch Act, as amended, for supplying agri-

cultural and other foods], except that apportionment to American Samoa for any fiscal year shall be on the same basis as the apportionment to the other States]. *The remaining funds appropriated for the purposes of this section shall be apportioned to each State on the basis of the ratio between the number of children enrolled in schools without a food service in such State and the number of children enrolled in schools without a food service in all States.* Payments to any State of funds apportioned for any fiscal year shall be made upon condition that at least one-fourth of the cost of any equipment financed under this subsection shall be borne by State or local funds.

STATE DISBURSEMENT TO SCHOOLS

(c) Funds apportioned and paid to any State for the purpose of this section shall be disbursed by the State educational agency to assist schools, which draw attendance from areas in which poor economic conditions exist and which have no, or grossly inadequate equipment, to conduct a school food service program, and to acquire such equipment. In the selection of schools to receive assistance under this section, the State educational agency shall require applicant schools to provide justification of the need for such assistance and the inability of the school to finance the food service equipment needed. Disbursements to any school may be made, by advances or reimbursements, only after approval by the State educational agency of a request by the school for funds, accompanied by a detailed description of the equipment to be acquired and the plans for the use thereof in effectively meeting the nutritional needs of the children in the school.

NONPROFIT PRIVATE SCHOOLS

(d) The withholding of funds for and disbursement to nonprofit private schools will be effected in accordance with section 10 of the National School Lunch Act, as amended, exclusive of the matching provision thereof.

PAYMENTS TO STATES

SEC. 6. The Secretary shall certify to the Secretary of the Treasury from time to time the amounts to be paid to any State under sections 3 through 7 of this Act and the time or times such amounts are to be paid; and the Secretary of the Treasury shall pay to the State at the time or times fixed by the Secretary the amounts so certified.

STATE ADMINISTRATIVE EXPENSES

SEC. 7. The Secretary may utilize funds appropriated under this section for advances to each State educational agency for use for its administrative expenses *or for the administrative expenses of any other designated State agency* in supervising and giving technical assistance to the local school districts *and service institutions* in their conducting of programs under this Act and under sections 11 and 13 of the National School Lunch Act. Such funds shall be advanced only in amounts and to the extent determined necessary by the Secretary to assist such State agencies in the administration of additional activities undertaken by them under sections 11 and 13 of the National

School Lunch Act, as amended, and sections 4 and 5 of this Act. There are hereby authorized to be appropriated such sums as may be necessary for the purposes of this section.

UTILIZATION OF FOODS

SEC. 8. Each school participating under section 4 of this Act shall, insofar as practicable, utilize in its program foods designated from time to time by the Secretary as being in abundance, either nationally or in the school area, or foods donated by the Secretary. Foods available under section 416 of the Agricultural Act of 1949 (63 Stat. 1058), as amended, or purchased under section 32 of the Act of August 24, 1935 (49 Stat. 774), as amended, or section 709 of the Food and Agriculture Act of 1965 (79 Stat. 1212), may be donated by the Secretary to schools, in accordance with the needs as determined by local school authorities, for utilization in their feeding programs under this Act.

NONPROFIT PROGRAMS

SEC. 9. The food and milk service programs in schools and non-profit institutions receiving assistance under this Act shall be conducted on a nonprofit basis.

REGULATIONS

SEC. 10. The Secretary shall prescribe such regulations as he may deem necessary to carry out this Act *and the National School Lunch Act, including regulations relating to the service of food in participating schools and service institutions in competition with the programs authorized under this Act and the National School Lunch Act. In such regulations the Secretary may provide for the transfer of funds by any State between the programs authorized under this Act and the National School Lunch Act on the basis of an approved State plan of operation for the use of the funds and may provide for the reserve of up to 1 per centum of the funds available for apportionment to any State to carry out special developmental projects.*

PROHIBITIONS

SEC. 11. (a) In carrying out the provisions of sections 3 through 5 of this Act, neither the Secretary nor the State shall impose any requirements with respect to teaching personnel, curriculum, instruction, methods of instruction, and materials of instruction.

(b) The value of assistance to children under this Act shall not be considered to be income or resources for any purpose under any Federal or State laws including, but not limited to, laws relating to taxation, welfare, and public assistance programs. Expenditures of funds from State and local sources for the maintenance of food programs for children shall not be diminished as a result of funds received under this Act.

PRESCHOOL PROGRAMS

SEC. 12. The Secretary may extend the benefits of all school feeding programs conducted and supervised by the Department of Agriculture to include preschool programs operated as part of the school system.

CENTRALIZATION OF ADMINISTRATION

SEC. 13. Authority for the conduct and supervision of Federal programs to assist schools in providing food service programs for children is assigned to the Department of Agriculture. To the extent practicable, other Federal agencies administering programs under which funds are to be provided to schools for such assistance shall transfer such funds to the Department of Agriculture for distribution through the administrative channels and in accordance with the standards established under this Act and the National School Lunch Act.

SEC. 14. There is hereby authorized to be appropriated for any fiscal year such sums as may be necessary to the Secretary for his administrative expense under this Act.

MISCELLANEOUS PROVISIONS AND DEFINITIONS

SEC. 15. For the purpose of this Act—

(a) "State" means any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, or American Samoa.

(b) "State educational agency" means, as the State legislature may determine, (1) the chief State school officer (such as the State superintendent of public instruction, commissioner of education, or similar officer), or (2) a board of education controlling the State department of education.

(c) "Nonprofit private school" means any private school exempt from income tax under section 501(c) (3) of the Internal Revenue Code of 1954.

(d) "School" means any public or nonprofit private school of high school grade or under, including kindergarten and preschool programs operated by such school and, with respect to Puerto Rico, shall also include nonprofit child-care centers certified as such by the Governor of Puerto Rico.

(e) "Secretary" means the Secretary of Agriculture.

ACCOUNTS AND RECORDS

SEC. 16. States, State educational agencies, schools, and nonprofit institutions participating in programs under this Act shall keep such accounts and records as may be necessary to enable the Secretary to determine whether there has been compliance with this Act and the regulations hereunder. Such accounts and records shall at all times be available for inspection and audit by representatives of the Secretary and shall be preserved for such period of time, not in excess of three years, as the Secretary determines is necessary.

INDIVIDUAL VIEWS OF MR. McGOVERN

As a cosponsor I have supported S. 2548, authored by Senator Talmadge, as a progressive interim measure desperately needed to help in the fight against hunger. The children of our Nation are the best investment we can make—they are the most vital resource we have.

The bill takes great strides in attacking the problem of a lack of facilities which keeps some 10 million of our children from participating in the program. It moves toward requiring State matching funds

from State revenues—and not from the pockets of the children, who so often cannot afford the price of a school lunch. Most importantly, it allows for the interchange of funds among programs, and carryover appropriations from year to year.

However, in my opinion the original bill has been substantially weakened by the action of the Committee on Agriculture and Forestry. The bill, as originally introduced, greatly increased the special assistance funds under section 11 of the National School Lunch Act. These funds are necessary to help the Nation's poor take a meaningful part in the national school lunch program. The need for these special assistance funds is clear. Funding levels in the original bill were based upon information that put the number of needy children not receiving a free or reduced-price lunch at about 3.5 million. Based on questionnaires sent to every State school lunch director, the Select Committee on Nutrition and Human Needs places the number of children who have received lunches at 2.3 million last year, out of over 8.4 million in need (based on Bureau of the Census estimates). This leaves us with over 6.1 million *poor* children still receiving no lunches—lunches that often are the only decent meal a child can be sure of receiving. We cannot leave the authorization open ended and simply hope that the funds will be there to serve these children. At the very least, we must, I feel, restore the funding authorizations for fiscal years 1971 and 1972 recommended by Senator Talmadge.

On September 30, 1969, I stated that I had reservations regarding S. 2548. I still have those reservations. The bill, in my opinion, is not complete. During the hearings held by the Select Committee on Nutrition and Human Needs, every witness who testified on school lunch programs expressed concern over the unevenness and inefficient administration and operation of the national school lunch programs. Without a requirement for State plans and periodic reporting on their implementation, this problem will not be solved. S. 2548 makes no such provision.

I would also add national eligibility standards for free meals to be set so that every child from a family whose income is less than \$4,000 for a family of four receives free lunch. USDA urgently needs such a standard in order to enforce its own regulations and guidelines and to assure that the national school lunch program reaches those children who need it most. Without such a standard, it is doubtful that the national school lunch program will ever achieve its avowed purpose.

I believe a provision allowing for transfer of section 32 funds, as called for by H.R. 11651, is necessary. This bill which already passed the House would assure that no school lunch program will run out of money before the end of the year, as is likely this year in several States such as Illinois and Maryland. We should authorize the transfer of \$25 million of section 32 funds now, before the end of this school year.

Finally, I would recommend the addition of a specific provision designed to bring private food companies into the operation of the school lunch program in cases where their presence would provide economy to the program, and thus improve participation in the program. This is especially necessary in our inner cities where many schools lack the

facilities to operate a school lunch program. Surely, it would be more efficient to contract the program with a catering firm than to install a cafeteria in all the schools that presently lack one. The administration's assurance that the guidelines of the program will allow experimentation of this kind does not assure effective action. The Congress must make specific provision to bring the private sector into the national school lunch program. How can we claim to rely on the private sector for a great deal of help in solving the Nation's problems when we by law or by neglect shut the doors to effective participation in this kind of program, where they can clearly be of great value?

I believe that all these suggestions would serve to strengthen the purpose of the National School Lunch Act and make school lunches a reality for more than just some of the Nation's poor children.

GEORGE McGOVERN.



91ST CONGRESS
2D SESSION

S. 2548

[Report No. 91-641]

IN THE SENATE OF THE UNITED STATES

JULY 7, 1969

Mr. TALMADGE (for himself, Mr. BENNETT, Mr. HART, Mr. HOLLINGS, Mr. KENNEDY, Mr. MCGOVERN, Mr. METCALF, Mr. MOSS, Mr. PACKWOOD, Mr. SPONG, and Mr. YARBOROUGH) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

JANUARY 29, 1970

Reported by Mr. TALMADGE, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such Acts.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 ~~AUTHORIZATION FOR ADVANCE APPROPRIATION; CARRY-~~
4 ~~OVER AUTHORIZATION~~

5 SECTION 1: (a) Section 3 of the National School Lunch
6 Act is amended by inserting at the end thereof the following:
7 "Appropriations to carry out the provisions of this Act and
8 of the Child Nutrition Act of 1966 for any fiscal year are
9 authorized to be made a year in advance of the beginning of
10 the fiscal year in which the funds will become available for

1 disbursement to the States. Notwithstanding any other pro-
 2 vision of law, any funds appropriated to carry out the pro-
 3 visions of this Act shall remain available for the purposes
 4 of this Act for which appropriated until expended.

5 ~~(b)~~ The first sentence of section 10 of the National
 6 School Lunch Act and the first sentence of section 12(d)(5)
 7 of such Act are each amended by striking the words "pre-
 8 ceeding fiscal year" and inserting in lieu thereof the follow-
 9 ing: "the fiscal year beginning two years immediately prior
 10 to the fiscal year for which the Federal funds are appro-
 11 priated".

12 NONFOOD ASSISTANCE

13 SEC. 2. Section 5 of the National School Lunch Act is
 14 amended to read as follows:

15 "SEC. 5. There shall be available to the Secretary, out
 16 of funds appropriated pursuant to section 3 of this Act, for
 17 the purpose of providing nonfood assistance for the school
 18 lunch program provided for under this Act—

19 ~~"(1)~~ the sum of \$38,000,000 for use during the
 20 fiscal year beginning July 1, 1970, from funds appro-
 21 priated for such fiscal year;

22 ~~"(2)~~ the sum of \$33,000,000 for use during the
 23 fiscal year beginning July 1, 1971, from funds appro-
 24 priated for such fiscal year;

25 ~~"(3)~~ the sum of \$15,000,000 for use during the

fiscal year beginning July 1, 1972, from funds appropriated for such fiscal year; and

“(4) the sum of \$10,000,000 for use during each succeeding fiscal year, from funds appropriated for such fiscal year.

Funds available to the Secretary under this section for any fiscal year shall be apportioned among the States as follows: Each State shall be entitled to an amount which bears the same ratio to the total amount to be apportioned among all the States as the number of schools programed for new or replacement food preparation facilities in such State bears to the total number of schools which need new or replacement food preparation facilities in all the States.”

ADMINISTRATIVE EXPENSES, NUTRITION EDUCATION,
AND DIRECT EXPENDITURES

SEC. 3. (a) The first sentence of section 6 of the National School Lunch Act is amended to read as follows: “The funds provided by appropriation or transfer from other accounts for any fiscal year for carrying out the provisions of this Act, and for carrying out the provisions of the Child Nutrition Act of 1966, other than section 3 thereof, less

“(1) not to exceed $3\frac{1}{2}$ per centum thereof which per centum is hereby made available to the Secretary

1 for his administrative expenses under this Act and under
2 the Child Nutrition Act of 1966;

3 ~~“(2)~~ the amount apportioned by him pursuant
4 to sections 4 and 5 of this Act and the amount appro-
5 priated pursuant to sections 11 and 13 of this Act and
6 sections 4, 5, and 7 of the Child Nutrition Act of 1966;
7 and

8 ~~“(3)~~ not to exceed 1 per centum of the funds
9 provided for carrying out the programs under this Act
10 and the programs under the Child Nutrition Act of
11 1966, other than section 3, which per centum is here-
12 by made available to the Secretary to supplement the
13 nutritional benefits of these programs through grants
14 to States and other means for nutritional training and
15 education for workers, cooperators, and participants in
16 these programs and for necessary surveys and studies
17 of requirements for food service programs in further-
18 ance of the purposes expressed in section 2 of this Act
19 and section 2 of the Child Nutrition Act of 1966.

20 shall be available to the Secretary during such year for
21 direct expenditure by him for agricultural commodities and
22 other foods to be distributed among the States and schools
23 and service institutions participating in the food service
24 programs under this Act and under the Child Nutrition Act

1 of 1966 in accordance with the needs as determined by the
2 local school and service institution authorities.”

3 (b) Section 6 of the National School Lunch Act is
4 further amended by inserting before the last sentence of such
5 section a new sentence as follows: “The Secretary shall, to
6 the maximum extent practicable, use his authority under this
7 section to purchase highly nutritious foods, especially those
8 foods with a high content of vitamin A or vitamin C.”

9 STATE MATCHING REQUIREMENTS

10 SEC. 4. (a) The third sentence of section 7 of the Na-
11 tional School Lunch Act is amended by striking out “\$3”
12 and inserting in lieu thereof “\$1”.

13 (b) Section 7 of the National School Lunch Act is fur-
14 ther amended by inserting immediately before the last sen-
15 tence of such section the following:
16 “For the fiscal year beginning July 1, 1971, and the fiscal
17 year beginning July 1, 1972, State revenues (other than
18 revenues derived from the program) appropriated or utilized
19 specifically for program purposes (other than salaries and
20 administrative expenses at the State, as distinguished from
21 local, level) shall constitute at least 40 per centum of the
22 matching requirement; for each of the three succeeding fiscal
23 years, at least 20 per centum of the matching requirement;
24 for each of the subsequent three fiscal years, at least 30 per

centum of the matching requirement; for each of the next subsequent succeeding three fiscal years, at least 40 per centum of the matching requirement; and for each fiscal year thereafter, at least 50 per centum of the matching requirement. The State revenues made available pursuant to the preceding sentence shall be disbursed to schools, to the extent the State deems practicable, in such manner that each school receives the same proportionate share of such revenues as it receives of the funds apportioned to the State for the same year under sections 4 and 11 of the National School Lunch Act and sections 4 and 5 of the Child Nutrition Act of 1966."

STATE ADMINISTRATIVE EXPENSES

SEC. 5. The first sentence of section 7 of the Child Nutrition Act of 1966 is amended ~~(1)~~ by inserting "or for the administrative expenses of any other designated State agency" immediately after "its administrative expenses"; and ~~(2)~~ by inserting "and service institutions" immediately after "local school districts".

ADDITIONAL PROGRAM REQUIREMENTS AND AUTHORITY

SEC. 6. ~~(a)~~ The second sentence of section 9 of the National School Lunch Act is amended by inserting "not exceeding 20 cents per meal" immediately after "or at a reduced cost".

~~(b)~~ The third sentence of section 9 of the National School Lunch Act and the fourth sentence of section 13 ~~(f)~~

1 of such Act and the fourth sentence of section 4(e) of the
 2 Child Nutrition Act of 1966 are each amended by striking
 3 out the period at the end of the sentence and inserting in lieu
 4 thereof a comma and the following: "nor shall there be any
 5 overt identification of any such child by special tokens or
 6 tickets, announced or published lists of names, or other
 7 means."

8 (e) Section 9 of the National School Lunch Act is fur-
 9 ther amended by inserting at the end thereof a new sentence
 10 as follows: "The Secretary is authorized to prescribe terms
 11 and conditions respecting the use of commodities donated
 12 under such section 32 and under section 416 of the Agri-
 13 cultural Act of 1949, as amended, as will maximize the nutri-
 14 tional and financial contributions of such donated commodities
 15 in such schools and institutions."

16 SPECIAL ASSISTANCE

17 SEC. 7. (a) Section 11(a) of the National School Lunch
 18 Act is amended by striking out "\$10,000,000 for the fiscal
 19 year ending June 30, 1963," and inserting in lieu thereof
 20 the following:

21 "\$200,000,000 for the fiscal year ending June 30,
 22 1970;

23 "\$250,000,000 for the fiscal year ending June 30,
 24 1971; and

1 “\$300,000,000 for the fiscal year ending June 30,
2 1972.”

3 ~~(b)~~ Section 11(c) of the National School Lunch Act is
4 amended—

5 ~~(1)~~ by inserting “~~(1)~~” immediately after “~~(c)~~”;

6 ~~(2)~~ by inserting in the first sentence, immediately
7 before the period, the following: “and for the purpose of
8 paragraph ~~(2)~~ of this subsection”;

9 ~~(3)~~ by adding at the end thereof a new sentence as
10 follows: “Such funds shall also be disbursed in such State
11 to schools that are ineligible for such funds under the
12 factors specified in the preceeding sentence to assist such
13 schools in providing free or reduced price meals to needy
14 children attending such schools.”; and

15 ~~(4)~~ by adding at the end of such subsection a new
16 paragraph as follows:

17 “~~(2)~~ In circumstances of severe need where the rate
18 per meal which the school would otherwise receive is deemed
19 by the Secretary to be insufficient to carry out an effective
20 school lunch program in such school, he may authorize finan-
21 cial assistance up to 80 per centum of the operating costs of
22 such program, including the cost of obtaining, preparing and
23 serving food. In the selection of schools to receive assistance
24 under this section, the State educational agency shall require

1 applicant schools to provide justification of the need for such
2 assistance.”

3 REGULATIONS

4 SEC. 8. Section 10 of the Child Nutrition Act of 1966
5 is amended by striking out the period at the end thereof and
6 inserting in lieu thereof the following: “and the National
7 School Lunch Act, including regulations relating to the serv-
8 ice of food in participating schools and service institutions in
9 competition with the programs authorized under this Act
10 and the National School Lunch Act. In such regulations the
11 Secretary may provide for the transfer of funds by any State
12 between the programs authorized under this Act and the
13 National School Lunch Act on the basis of an approved
14 State plan of operation for the use of the funds and may pro-
15 vide for the reserve of up to 1 per centum of the funds avail-
16 able for apportionment to any State to carry out special de-
17 velopmental projects.”

18 RESEARCH AND TRAINING; NUTRITION SPECIALISTS;

19 NATIONAL ADVISORY COUNCIL

20 SEC. 9. The National School Lunch Act is amended by
21 adding at the end thereof the following new sections:

22 “RESEARCH AND TRAINING

23 “SEC. 14. (a) In order to assist State educational agen-
24 cies in strengthening the leadership resources of State and

1 local educational agencies and to assist such agencies in
2 carrying out more effectively the purposes of this Act, the
3 Secretary is authorized to make grants to State educational
4 agencies for ~~(1)~~ research, surveys, and demonstration proj-
5 ects in the field of school food service, and ~~(2)~~ the dissemi-
6 nation of information obtained from school food service
7 research programs.

8 ~~“(b)~~ Funds made available under this section may be
9 used for establishing and maintaining research traineeships,
10 planning and evaluation on a statewide basis, internships,
11 personnel exchange programs, and graduate fellowships, and
12 for the payment of stipends and allowances, including travel
13 and subsistence expenses, to persons receiving training pur-
14 suant to this section. The amount of stipends and allowances
15 paid in the case of persons receiving training under this sec-
16 tion may not exceed maximum amounts prescribed by the
17 Secretary.

18 ~~“(c)~~ There are hereby authorized to be appropriated
19 for carrying out the provisions of this section in any fiscal
20 year an amount not to exceed 1 per centum of the amount
21 appropriated to carry out the provisions of this Act ~~(not~~
22 including this section) for such fiscal year and to carry out
23 the Child Nutrition Act of 1966.

1 “NUTRITION SPECIALISTS

2 “SEC. 15. The Secretary may utilize funds appropriated
3 under this section to assist local school districts under this
4 Act and under the Child Nutrition Act of 1966 to employ
5 personnel specially trained or educated in matters relating to
6 the diet and nutrition of children. The Secretary is authorized
7 to pay to the State educational agency of any State an
8 amount not to exceed one-half of the expenses incurred by
9 the local school districts of such State in employing such per-
10 sonnel. The Secretary shall prescribe by regulation the total
11 number of such personnel which may be employed in any
12 State, for purposes of assistance under this section, taking
13 into consideration the school population of such State, the
14 need for such personnel, and such other factors as the Secere-
15 tary deems appropriate. There are hereby authorized to be
16 appropriated such sums as may be necessary for the purposes
17 of this section.

18 “NATIONAL ADVISORY COUNCIL

19 “SEC. 16. (a) There is hereby established a council
20 to be known as the National Advisory Council on Child Nu-
21 trition (hereinafter in this section referred to as the ‘Council’)
22 which shall be composed of thirteen members appointed by
23 the Secretary. One member shall be a school administrator,

1 one member shall be a person engaged in child welfare work,
2 one member shall be a person engaged in vocational educa-
3 tion work, one member shall be a nutrition expert, one mem-
4 ber shall be a school food service management expert, one
5 member shall be a State superintendent of schools (or the
6 equivalent thereof), one member shall be a State school
7 lunch director (or the equivalent thereof), one member shall
8 be a person serving on a school board, and five members
9 shall be officers or employees of the Department of Agricul-
10 ture especially qualified to serve on the Council because of
11 their education, training, experience, and knowledge in mat-
12 ters relating to child food programs.

13 “(b) The eight members of the Council appointed from
14 outside the Department of Agriculture shall be appointed
15 for terms of three years, except that such members first
16 appointed to the Council shall be appointed as follows:
17 Three members shall be appointed for terms of three years,
18 three members shall be appointed for terms of two years, and
19 two members shall be appointed for terms of one year. There-
20 after all appointments shall be for a term of three years except
21 that a person appointed to fill an unexpired term shall serve
22 only for the remainder of such term. Members appointed
23 from the Department of Agriculture shall serve at the pleas-
24 ure of the Secretary.

25 “(c) The Secretary shall designate one of the members

1 to serve as Chairman and one to serve as Vice Chairman of
2 the Council.

3 “(d) The Council shall meet at the call of the Chairman
4 but shall meet at least once a year.

5 “(e) Seven members shall constitute a quorum and a
6 vacancy on the Council shall not affect its powers.

7 “(f) It shall be the function of the Council to make a
8 continuing study of the operation of programs carried out
9 under the National School Lunch Act, the Child Nutrition
10 Act of 1966, and any related Act under which meals are
11 provided for children, with a view to determining how such
12 programs may be improved. The Council shall submit to
13 the President and the Congress annually a written report of
14 the results of its study together with such recommendations
15 for administrative and legislative changes as it deems
16 appropriate.

17 “(g) The Secretary shall provide the Council with such
18 technical and other assistance, including secretarial and cler-
19 ical assistance, as may be required to carry out its functions
20 under this Act.

21 “(h) Members of the Council shall serve without com-
22 pensation but shall receive reimbursement for necessary
23 travel and subsistence expenses incurred by them in the per-
24 formance of the duties of the Council.”

1 INCLUSION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

2 SEC. 10. (a) The third sentence of section 4 of the
3 National School Lunch Act is amended by striking the
4 parenthetical phrase, "~~(exclusive of American Samoa for~~
5 ~~periods ending before July 1, 1967)~~" and inserting in lieu
6 thereof the phrase, "~~(exclusive of the Trust Territory of the~~
7 ~~Pacific Islands for periods ending before July 1, 1974)~~".

8 (b) The fifth sentence of section 4 of the National
9 School Lunch Act is further amended by striking clause (4)
10 in the last sentence thereof, and inserting in lieu thereof
11 the following: "~~(4)~~ for the five fiscal years in the period
12 beginning July 1, 1969, and ending June 30, 1974, the
13 amount apportioned to the Trust Territory of the Pacific
14 Islands shall be \$125,000 each year, which amount shall
15 be first deducted from the funds available for apportionment
16 in determining the amounts to be apportioned to the other
17 States."

18 (c) The first sentence of section 11(b) and the first
19 sentence of section 11(c) of the National School Lunch
20 Act are each amended by striking the word "and" before
21 the term "American Samoa" and by inserting "and the
22 Trust Territory of the Pacific Islands" after the term "Amer-
23 ican Samoa".

24 (d) The second sentence of section 11(b) of the
25 National School Lunch Act is amended by revising the

1 proviso at the end thereof to read as follows: "*Provided,*
2 That for the fiscal year ending June 30, 1970, \$25,000
3 shall be apportioned to the Trust Territory of the Pacific
4 Islands, which amount shall be first deducted from the total
5 amount available for apportionment under this subsection."

6 ~~(e)~~ Section 12~~(d)~~~~(1)~~ of the National School Lunch
7 Act is amended by striking the word "or" that precedes the
8 term "American Samoa" and by adding at the end of the
9 sentence the following: "; or the Trust Territory of the
10 Pacific Islands".

11 ~~(f)~~ The second sentence of section 12~~(d)~~~~(6)~~ of the
12 National School Lunch Act is amended by revising clause
13 ~~(ii)~~ at the end thereof to read as follows: "~~(ii)~~ the average
14 annual per capita income for the Trust Territory of the
15 Pacific Islands shall be disregarded in determining the aver-
16 age annual per capita income for all the States for periods
17 ending before July 1, 1974."

18 ~~(g)~~ Section 4~~(b)~~ of the Child Nutrition Act of 1966
19 is amended ~~(1)~~ by striking the word "and" before the term
20 "American Samoa" wherever it appears, and inserting
21 "; and the Trust Territory of the Pacific Islands" after the
22 term "American Samoa" wherever it appears; and ~~(2)~~ by
23 striking "\$45,000" and inserting "\$60,000".

24 ~~(h)~~ Section 5~~(b)~~ of the Child Nutrition Act of 1966
25 is amended by striking the term "American Samoa" and

1 inserting in lieu thereof "the Trust Territory of the Pacific
2 Islands".

3 ~~(i)~~ Section 15(a) of the Child Nutrition Act of 1966
4 is amended by striking the word "or" that precedes the term
5 "American Samoa" and by adding at the end of the sentence
6 the following: "; or the Trust Territory of the Pacific
7 Islands".

8 AUTHORIZATION FOR ADVANCE APPROPRIATIONS; CARRY-
9 OVER AUTHORIZATION

10 SECTION 1. (a) Section 3 of the National School Lunch
11 Act is amended by inserting at the end thereof the following:
12 "Appropriations to carry out the provisions of this Act and
13 of the Child Nutrition Act of 1966 for any fiscal year are
14 authorized to be made a year in advance of the beginning of
15 the fiscal year in which the funds will become available for
16 disbursement to the States. Notwithstanding any other pro-
17 vision of law, any funds appropriated to carry out the pro-
18 visions of such Acts shall remain available for the purposes
19 of the Act for which appropriated until expended."

20 (b) The first sentence of section 10 of the National
21 School Lunch Act and the first sentence of section 12(d) (5)
22 of such Act are each amended by striking the words "pre-
23 ceding fiscal year" and inserting in lieu thereof the follow-
24 ing: "fiscal year beginning two years immediately prior
25 to the fiscal year for which the Federal funds are appro-
26 priated".

NONFOOD ASSISTANCE PROGRAM AUTHORIZATION

SEC. 2. (a) Section 5(a) of the Child Nutrition Act of 1966 is amended to read as follows: "(a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1971, not to exceed \$38,000,000, for the fiscal year ending June 30, 1972, not to exceed \$33,000,000, for the fiscal year ending June 30, 1973, not to exceed \$15,000,000, and for each succeeding fiscal year, not to exceed \$10,000,000, to enable the Secretary to formulate and carry out a program to assist the States through grants-in-aid and other means to supply schools drawing attendance from areas in which poor economic conditions exist with equipment, other than land or buildings, for the storage, preparation, transportation, and serving of food to enable such schools to establish, maintain, and expand school food service programs. In the case of a nonprofit private school, such equipment shall be for use of such school principally in connection with child feeding programs authorized in this Act and in the National School Lunch Act, as amended, and in the event such equipment is no longer so used, it may be transferred to another nonprofit private school participating in any of such programs or to a public school participating in any of such programs, or, failing either of these dispositions, that part of such equipment financed with Federal funds, or the residual value thereof, shall revert to the United States."

1 “(b) The Secretary shall apportion 50 per centum of
 2 the funds appropriated for the purposes of this section among
 3 the States during each fiscal year on the same basis as
 4 apportionments are made under section 4 of the National
 5 School Lunch Act, as amended, for supplying agricultural
 6 and other foods. The remaining funds appropriated for the
 7 purposes of this section shall be apportioned to each State
 8 on the basis of the ratio between the number of children
 9 enrolled in schools without a food service in such State
 10 and the number of children enrolled in schools without a
 11 food service in all States. Payments to any State of funds
 12 apportioned for any fiscal year shall be made upon condition
 13 that at least one-fourth of the cost of any equipment financed
 14 under this subsection shall be borne by State or local funds.”

15 ADMINISTRATIVE EXPENSES, NUTRITION EDUCATION,
 16 AND DIRECT EXPENDITURES

17 SEC. 3. The first sentence of section 6 of the National
 18 School Lunch Act is amended to read as follows: “The funds
 19 provided by appropriation or transfer from other accounts
 20 for any fiscal year for carrying out the provisions of this Act,
 21 and for carrying out the provisions of the Child Nutrition
 22 Act of 1966, other than section 3 thereof, less

23 “(1) not to exceed $3\frac{1}{2}$ per centum thereof which
 24 per centum is hereby made available to the Secretary

1 *for his administrative expenses under this Act and under*
2 *the Child Nutrition Act of 1966;*

3 *“(2) the amount apportioned by him pursuant to*
4 *sections 4 and 5 of this Act and the amount appro-*
5 *priated pursuant to sections 11 and 13 of this Act and*
6 *sections 4, 5, and 7 of the Child Nutrition Act of 1966;*
7 *and*

8 *“(3) not to exceed 1 per centum of the funds*
9 *provided for carrying out the programs under this*
10 *Act and the programs under the Child Nutrition Act*
11 *of 1966, other than section 3, which per centum is*
12 *hereby made available to the Secretary to supplement*
13 *the nutritional benefits of these programs through grants*
14 *to States and other means for nutritional training and*
15 *education for workers, cooperators, and participants in*
16 *these programs and for necessary surveys and studies*
17 *of requirements for food service programs in further-*
18 *ance of the purposes expressed in section 2 of this Act*
19 *and section 2 of the Child Nutrition Act of 1966,*

20 *shall be available to the Secretary during such year for*
21 *direct expenditure by him for agricultural commodities and*
22 *other foods to be distributed among the States and schools*
23 *and service institutions participating in the food service*

1 *programs under this Act and under the Child Nutrition Act*
2 *of 1966 in accordance with the needs as determined by the*
3 *local school and service institution authorities.”*

4 *STATE MATCHING REQUIREMENTS*

5 *SEC. 4. Section 7 of the National School Lunch Act is*
6 *further amended by inserting immediately before the last*
7 *sentence of such section the following: “For the fiscal year*
8 *beginning July 1, 1971, and the fiscal year beginning July 1,*
9 *1972, State revenue (other than revenues derived from the*
10 *program) appropriated or utilized specifically for program*
11 *purposes (other than salaries and administrative expenses at*
12 *the State, as distinguished from local, level) shall constitute*
13 *at least 4 per centum of the matching requirement; for each*
14 *of the two succeeding fiscal years, at least 6 per centum of the*
15 *matching requirement; for each of the subsequent two fiscal*
16 *years, at least 8 per centum of the matching requirement; and*
17 *for each fiscal year thereafter, at least 10 per centum of the*
18 *matching requirement. The State revenues made available*
19 *pursuant to the preceding sentence shall be disbursed to*
20 *schools, to the extent the State deems practicable, in such*
21 *manner that each school receives the same proportionate share*
22 *of such revenues as it receives of the funds apportioned to*
23 *the State for the same year under sections 4 and 11 of the*
24 *National School Lunch Act and sections 4 and 5 of the Child*
25 *Nutrition Act of 1966.”*

1 *STATE ADMINISTRATIVE EXPENSES*

2 *SEC. 5. The first sentence of section 7 of the Child Nu-*
3 *trition Act of 1966 is amended (1) by inserting "or for the*
4 *administrative expenses of any other designated State*
5 *agency" immediately after "its administrative expenses"; and*
6 *(2) by inserting "and service institutions" immediately after*
7 *"local school districts".*

8 *ADDITIONAL PROGRAM REQUIREMENTS AND AUTHORITY*

9 *SEC. 6. (a) Section 9 of the National School Lunch Act*
10 *(42 U.S.C. 1751) and section 4(e) of the Child Nutrition Act*
11 *of 1966 (42 U.S.C. 1771) are each amended by inserting*
12 *after the second sentence, a new sentence: "Such determina-*
13 *tions shall be made by local school authorities in accordance*
14 *with a publicly announced policy and plan applied equitably*
15 *on the basis of criteria which, as a minimum, shall include*
16 *the level of family income, including welfare grants, the*
17 *number in the family unit, and the number of children in the*
18 *family unit attending school or service institutions.'*

19 *(b) Section 13(f) of the National School Lunch Act is*
20 *amended by inserting after the second sentence, a new sen-*
21 *tence: "Such determinations shall be made by the service*
22 *institution authorities in accordance with a publicly an-*
23 *ounced policy and plan applied equitably on the basis of*
24 *criteria which, as a minimum, shall include the level of*
25 *family income, including welfare grants, the number in the*

1 family unit, and the number of children in the family unit
 2 attending school or service institutions.”

3 (c) The third sentence of section 9 of the National
 4 School Lunch Act and the fourth sentence of section 13(f)
 5 of such Act and the fourth sentence of section 4(e) of the
 6 Child Nutrition Act of 1966 are each amended by striking
 7 out the period at the end of the sentence and inserting in lieu
 8 thereof a comma and the following: “nor shall there be any
 9 overt identification of any such child by special tokens or
 10 tickets, announced or published lists of names, or other
 11 means.”

12 (d) Section 9 of the National School Lunch Act is fur-
 13 ther amended by inserting at the end thereof a new sentence
 14 as follows: “The Secretary is authorized to prescribe terms
 15 and conditions respecting the use of commodities donated
 16 under such section 32, under section 416 of the Agricultural
 17 Act of 1949, as amended, and under section 709 of the Food
 18 and Agriculture Act of 1965, as amended, as will maximize
 19 the nutritional and financial contributions of such donated
 20 commodities in such schools and institutions.”

21 SPECIAL ASSISTANCE

22 SEC. 7. Section 11 of the National School Lunch Act is
 23 amended to read as follows:

24 “SPECIAL ASSISTANCE

25 “SEC. 11. (a) There are hereby authorized to be appro-
 26 priated for the fiscal year ending June 30, 1971, and for

1 each succeeding fiscal year such sums as may be necessary
2 to provide special assistance to assure access to the school lunch
3 program under this Act by children of low-income families.

4 “(b) Of the sums appropriated pursuant to this section
5 for any fiscal year, 3 per centum shall be available for appor-
6 tionment to Puerto Rico, the Virgin Islands, Guam, and
7 American Samoa. From the funds so available the Secretary
8 shall apportion to each such State an amount which bears
9 the same ratio to such funds as the number of children aged
10 three to seventeen, inclusive, in such State bears to the total
11 number of such children in all such States. If any such State
12 cannot utilize for the purposes of this section all of the funds
13 so apportioned to it, the Secretary shall make further appor-
14 tionment on the same basis as the initial apportionment to any
15 such State which justifies, on the basis of operating
16 experience, the need for additional funds for such purposes.

17 “(c) The remaining sums appropriated pursuant to this
18 section for any fiscal year shall be apportioned among States,
19 other than Puerto Rico, the Virgin Islands, Guam, and
20 American Samoa. The amount apportioned to each State
21 shall bear the same ratio to such remaining funds as the
22 number of children in such State aged three to seventeen,
23 inclusive, in families with incomes of not more than \$3,000
24 per annum plus the number of such children in families that
25 receive more than \$3,000 per annum from federally assisted

1 public assistance programs, bears to the total number of such
2 children in all such States. If any such State cannot utilize
3 for the purposes of this section all of the funds so apportioned
4 to it, the Secretary shall make further apportionment on the
5 same basis as the initial apportionment to any such State
6 which justifies, on the basis of operating experience, the need
7 for additional funds for such purposes.

8 “(d) Payment of the funds apportioned to any State
9 under this section shall be made as provided in the last sen-
10 tence of section 7 of this Act.

11 “(e) Except as provided in paragraph (g), funds paid
12 to any State for any fiscal year pursuant to this section shall
13 be disbursed to schools in such State only for the purpose of
14 reimbursing them for the cost of obtaining agricultural com-
15 modities and other foods for consumption by children in the
16 school lunch program. The amounts of funds that each school
17 shall from time to time receive (within a maximum per lunch
18 amount established by the Secretary for all the States) shall
19 be based on the need of the school for assistance in meeting the
20 requirement of section 9 of this Act concerning the service
21 of lunches to children unable to pay the full cost of such
22 lunches.

23 “(f) If in any State the State educational agency is not
24 permitted by law to disburse funds paid to it under this Act to
25 nonprofit private schools in the State, the Secretary shall

1 withhold from the funds apportioned to such State under sub-
2 section (b) or (c) of this section an amount which bears the
3 same ratio to such funds as the number of free and reduced-
4 price lunches served in accordance with section 9 of this Act
5 in the fiscal year beginning two years immediately prior to
6 the fiscal year for which the funds are appropriated by all
7 nonprofit private schools participating in the program under
8 this Act in such State bears to the number of such free and
9 reduced-price lunches served during such year by all schools
10 participating in the program under this Act in such State.
11 The Secretary shall disburse the funds so withheld directly
12 to the nonprofit private schools within such State for the
13 same purposes and subject to the same conditions as are
14 applicable to a State educational agency disbursing funds
15 under this section.

16 “(g) In circumstances of severe need where the rate
17 per lunch which the school would otherwise receive is deter-
18 mined by the Secretary to be insufficient to carry out an effec-
19 tive school lunch program in such school, he may authorize
20 financial assistance up to 80 per centum of the operating costs
21 of such program, including the cost of obtaining, preparing,
22 and serving food. In the selection of schools to receive assist-
23 ance under this subsection, the State educational agency shall
24 require applicant schools to provide justification of the need
25 for such assistance.

1 “(h) In carrying out this section, the terms and condi-
2 tions governing the operation of the school lunch program set
3 forth in other sections of this Act, including those applicable
4 to funds apportioned or paid pursuant to section 4 or 5 but
5 excluding the provisions of section 7 relating to matching,
6 shall be applicable to the extent they are not inconsistent with
7 the express requirements of this section.”

REGULATIONS

9 *SEC. 8. Section 10 of the Child Nutrition Act of 1966*
10 *is amended by striking out the period at the end thereof and*
11 *inserting in lieu thereof the following: “and the National*
12 *School Lunch Act, including regulations relating to the serv-*
13 *ice of food in participating schools and service institutions in*
14 *competition with the programs authorized under this Act*
15 *and the National School Lunch Act. In such regulations the*
16 *Secretary may provide for the transfer of funds by any State*
17 *between the programs authorized under this Act and the*
18 *National School Lunch Act on the basis of an approved*
19 *State plan of operation for the use of the funds and may pro-*
20 *vide for the reserve of up to 1 per centum of the funds avail-*
21 *able for apportionment to any State to carry out special devel-*
22 *opmental projects.”*

NATIONAL ADVISORY COUNCIL

24 *SEC. 9. The National School Lunch Act is amended by*
25 *adding at the end thereof the following new section:*

1 “NATIONAL ADVISORY COUNCIL

2 “SEC. 14. (a) *There is hereby established a council to*
3 *be known as the National Advisory Council on Child Nu-*
4 *trition (hereinafter in this section referred to as the ‘Council’)*
5 *which shall be composed of thirteen members appointed by*
6 *the Secretary. One member shall be a school administrator,*
7 *one member shall be a person engaged in child welfare work,*
8 *one member shall be a person engaged in vocational educa-*
9 *tion work, one member shall be a nutrition expert, one mem-*
10 *ber shall be a school food service management expert, one*
11 *member shall be a State superintendent of schools (or the*
12 *equivalent thereof), one member shall be a State school*
13 *lunch director (or the equivalent thereof), one member shall*
14 *be a person serving on a school board, one member shall be*
15 *a classroom teacher, and four members shall be officers or em-*
16 *ployees of the Department of Agriculture specially qualified*
17 *to serve on the Council because of their education, training,*
18 *experience, and knowledge in matters relating to child food*
19 *programs.*

20 “(b) *The nine members of the Council appointed from*
21 *outside the Department of Agriculture shall be appointed*
22 *for terms of three years, except that such members first*
23 *appointed to the Council shall be appointed as follows:*
24 *Three members shall be appointed for terms of three years,*
25 *three members shall be appointed for terms of two years, and*

1 *three members shall be appointed for terms of one year.*
2 *Thereafter all appointments shall be for a term of three years,*
3 *except that a person appointed to fill an unexpired term shall*
4 *serve only for the remainder of such term. Members appointed*
5 *from the Department of Agriculture shall serve at the pleas-*
6 *ure of the Secretary.*

7 “(c) *The Secretary shall designate one of the members*
8 *to serve as Chairman and one to serve as Vice Chairman of*
9 *the Council.*

10 “(d) *The Council shall meet at the call of the Chairman*
11 *but shall meet at least once a year.*

12 “(e) *Seven members shall constitute a quorum and a*
13 *vacancy on the Council shall not affect its powers.*

14 “(f) *It shall be the function of the Council to make a*
15 *continuing study of the operation of programs carried out*
16 *under the National School Lunch Act, the Child Nutrition*
17 *Act of 1966, and any related Act under which meals are*
18 *provided for children, with a view to determining how such*
19 *programs may be improved. The Council shall submit to*
20 *the President and the Congress annually a written report of*
21 *the results of its study together with such recommendations*
22 *for administrative and legislative changes as it deems ap-*
23 *propriate.*

24 “(g) *The Secretary shall provide the Council with such*
25 *technical and other assistance, including secretarial and cler-*

1 ical assistance, as may be required to carry out its functions
2 under this Act.

3 “(h) Members of the Council shall serve without com-
4 pensation but shall receive reimbursement for necessary
5 travel and subsistence expenses incurred by them in the per-
6 formance of the duties of the Council.”

[Report No. 91-641]

A BILL

To amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such Acts.

By Mr. TALMADGE, Mr. BENNETT, Mr. HART, Mr. HOLLINGS, Mr. KENNEDY, Mr. MCGOVERN, Mr. METCALF, Mr. MOSS, Mr. PACKWOOD, Mr. SPONG, and Mr. YARBOROUGH

JULY 7, 1969

Read twice and referred to the Committee on
Agriculture and Forestry

JANUARY 29, 1970

Reported with an amendment

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of Feb. 20 and 23, 1970
91st-2nd; No. 23 and 24

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Environment.....3,9,10,15	Pollution.....3,9,10,15	Strip mining.....14
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HIGHLIGHTS: Senate passed bill to provide free meals to needy children. Senate began debate on school lunch bill.

SENATE - FEB. 20

1. SCHOOL LUNCH. Passed as reported H. R. 11651, to provide free or reduced-price meals to needy children. pp. S2070-2 Senate conferees were appointed.
Began debate on S. 2548, to strengthen and improve food service programs under the National School Lunch Act and the Child Nutrition Act. pp. S2112-212
2. FORESTRY. Sen. Byrd, W. Va., commended Forest Service plans to begin a research project at the Forestry Sciences Laboratory in Morgantown, W. Va., concerned with breeding high value hardwood trees for Appalachia. p. S2076
3. ENVIRONMENT; POLLUTION. Sen. Griffin discussed the role of the proposed Environmental Financing Authority in the President's pollution control program. p. S2076
Sen. Fong inserted an article which reflects the concern of Hawaiians over pollution. pp. S2083-4

4. RURAL TELEPHONES. Sen. Allen complimented the REA telephone program and stated that today 64% of Alabama's 92,500 farms have telephones, contrasted to 8.2% in 1949. p. S2083
5. RURAL DEVELOPMENT. Sen. Moss inserted an article by former Deputy Undersecretary Sunquist which encourages a redistribution of population to favor rural areas. pp. S2125-7
6. USER CHARGES. By unanimous consent, H. R. 14465, airports and airways bill, was recommitted to the Commerce Committee with instructions to report back a bill combining the provisions of S. 3108, the Senate related bill, plus the provisions of H. R. 14465, as both were originally reported to the Senate. p. S2131
7. ADJOURNED until Mon., Feb. 23. p. S2131

SENATE - FEB. 23

8. SCHOOL LUNCH. Continued debate on S. 2548, to strengthen and improve the food service programs under the National School Lunch Act, adopting amendments by Sen. McGovern to change the formula for apportioning funds, and to increase funds for expanded nonprofit breakfast program. pp. S2174-2203
9. ENVIRONMENT; POLLUTION. Sen. Moss advocated the creation of a Department of Natural Resources and Environment. pp. S2158-9
Sen. Mondale inserted Sen. Nelson's magazine article, "National Teach-In on the Crisis of the Environment." pp. S2157-8
Sen. Tydings noted the effort of his home state in the area of environmental quality, and inserted a state bill designed to protect the environment of Chesapeake Bay. pp. S2168-71

HOUSE - FEB. 23

10. ENVIRONMENT; POLLUTION. Rep. Poff commended the President's proposals which would "put teeth" in the enforcement of pollution controls. pp. H1151-2
11. FEDERAL CROP INSURANCE. Received from this Department a letter transmitting the annual report of the operations of the Federal Crop Insurance Corporation, pursuant to the provisions of the Federal Crop Insurance Act. to Agriculture Committee. p. H1156

SENATE - FEB. 23, cont'd

12. SCHOOL LUNCH. Sen. Mondale submitted and discussed an amendment he intends to propose to S. 2548, to improve the special food service program for children. pp. S2150-2

EXTENSION OF REMARKS

13. FISH. Speech in the House by Rep. Vander Jagt in support of legislation to amend and extend the Anadromous Fish Conservation Act of 1965. p. E1173

The Associated Press quoted informed sources as saying the big bombers were diverted Tuesday from targets in South Vietnam and sent into action for the first time in Laos.

Whether or not the bombing has indeed started, the Nixon administration is at a point in which the conflict in Laos could take a decisive turn.

Qualified sources here believe B-52 bombings could be followed by the North Vietnamese as an escalation that could lead only to a more difficult situation in Laos. Others counter with the argument that such bombing may salvage allied gains in recent months and improve in the long run the Royal Laos strategic position.

The huge B-52 bombers have become an effective instrument in the war in Vietnam and along the Ho Chi Minh trail in Laos, but up to now officials have been leery of allowing their use in Laos.

The big B-52 aircraft each can drop from extremely high altitudes 108 500-pound bombs. With modifications, the bomb load is five times higher.

In service in Vietnam the bombers and their crews have developed quite a reputation for accuracy, and they have been used for strikes in areas where precision is imperative.

WILLINGNESS TO ESCALATE

The North Vietnamese have come to dislike B-52's intensely because of their ability to do so much with such force while flying at altitudes at which they can be neither seen nor heard.

The use of B-52's in Laos, however, is not a course that will win wholehearted approval here. The North Vietnamese have demonstrated throughout the course of the Vietnam war their willingness to escalate along with the Americans as the depth of each nation's endeavor has increased.

So far in Laos the North Vietnamese ground forces have been matched by American-supported Royal Lao Army and mercenary troops, bolstered heavily by U.S. fighter-bomber support operating out of Thailand and on Yankee Station off the coast of Vietnam. There is a possibility some strikes have also been flown from allied land bases in Vietnam, such as Da Nang.

Thus, if B-52 strikes have begun, the Nixon administration must consider carefully whether the advantages that might be gained are relatively certain and whether this escalation of the American air effort would cause a subsequent increase in North Vietnamese troop involvement in the bitter war in Laos.

Despite their involvement in Vietnam and the heavy logistical demands of the Ho Chi Minh trail, the North Vietnamese have several divisions they could probably add to the fray in Laos if they desired.

Thus the administration faced these prospects:

Without added B-52 strikes, the Plain of Jars probably will be lost—despite continued heavy air support by fighter-bombers. Gen. Van Pao is understood here to have accepted the probability that his Meo forces will be driven off the plain and out of the surrounding hills. He could be expected to try to conserve his weary forces while exacting as heavy a toll as possible during the retreat.

This would leave the plain in North Vietnamese hands, which it was for all practical purposes until the general retook it late last summer.

If B-52 strikes have been ordered, it should be possible to stymie North Vietnamese advances, and the plain itself could be made a wasteland, thus denying the North Vietnamese an avenue to the strategically important Mekong River.

If some sort of military gains can be realized with B-52's, there is a real question how permanent they might be. Sources

here point out that a further North Vietnamese buildup probably would take too long to frustrate the allies now, but the future would be decidedly uncertain.

With enhanced enemy forces, the U.S. could face the dismal prospect of continuing B-52 strikes merely to hold whatever uneasy status quo the strikes helped achieve.

During their earlier occupations of the plain, the Communists have been generally content not to thrust still farther to take areas that would critically threaten the viability of the Lao Government.

However, some strategists are worried that this willingness to hold back might no longer be manifest in the face of B-52 escalation. They fear a situation that would leave the royal government's officially "neutral" position untenable.

WHAT ABOUT EDUCATION?

Mr. HANSEN. Mr. President, Mr. William Raspberry, a columnist for the Washington Post, has a most enlightening column which was printed today.

Mr. Raspberry's words reflect what I have contended all along. And it is encouraging to me to see this sound advice from a member of the Negro race.

This writer recognizes that the important and primary task of the public schools is to educate—not to integrate.

Just as I feel, Mr. Raspberry agrees that "racial segregation in public schools is both foolish and wrong," if it is reached through deliberate intent either de jure or de facto.

But he makes a key statement, and this is it:

It may be that one reason why the schools, particularly in Washington, are doing such a poor job of educating black children is that we have spent too much effort on integrating the schools and too little on improving them.

Mr. Raspberry, feeling that the words of his column might be twisted to suit the designs of those with whom he may not agree guarded his remarks with this:

The notion will win me the embarrassing support of segregationist bigots, but isn't it about time we started concentrating on educating children where they are?

I know that I am not a segregationist, and I believe that I am not a bigot and pray I will never be adjudged a bigot.

I do agree with Mr. Raspberry that forced busing, in his words "has accomplished nothing useful when it has meant transporting large numbers of reluctant youngsters to schools they'd rather not attend."

Mr. President, I ask unanimous consent that Mr. Raspberry's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 20, 1970]

CONCENTRATION ON INTEGRATION IS DOING LITTLE FOR EDUCATION

(By William Raspberry)

Racial segregation in public schools is both foolish and wrong, which has led to a lot of us to suppose that school integration must, therefore, be wise and just.

It ain't necessarily so. It may be that one reason why the schools, particularly in Washington, are doing such a poor job of educating black children is that we have spent too much effort on integrating the schools and too little on improving them.

The preoccupation with racial integration follows in part from a misreading of what the suit that led to the 1954 desegregation decision was all about.

The suit was based (tacitly, at least) on what might be called the hostage theory. It was clear that black students were suffering under the dual school systems that were the rule in the South. It was also clear that only the "separate" part of the separate-but-equal doctrine was being enforced.

Civil rights leaders finally became convinced that the only way to ensure that their children would have equal education with white children was to make sure that they received the same education, in the same classrooms.

Nor would the education be merely equal, the theory went: It would be good. White people, who after all run things, are going to see to it that their children get a proper education. If ours are in the same classrooms, they'll get a proper education by osmosis.

That, at bottom, was the reasoning behind the suit, no matter that the legal arguments were largely sociological, among them, that segregated education is inherently unequal.

(Why it should be inherently more unequal for blacks than for whites wasn't made clear.)

In any case, the aim of the suit was not so much integrated education but better education. Integration was simply a means to an end.

Much of the confusion today stems from the fact that the means has now become an end in itself. Suits are being brought for integration, boundaries are being redrawn, busing is being instituted—not to improve education but to integrate classrooms.

The results can sometimes be pathetic.

In Washington, blacks send their children (or have them sent) across Rock Creek Park in pursuit of the dream of good education. But as the blacks come, the whites leave, and increasingly we find ourselves busing children from all-black neighborhoods all the way across town to schools that are rapidly becoming all-black.

The Tri-School setup in Southwest Washington is a case in point. Of the three elementary schools in the area, only one was considered a good school: Amidon, where the children of the black and white well-to-do attended. Bowen and Syphax, populated almost exclusively by poor kids from the projects, were rated lousy schools.

Then the hostage theory was applied. A plan was worked out whereby all first- and second-graders in the area would attend one school, all third- and fourth-graders a second, and all fifth- and sixth-graders the third.

The well-to-do parents would see to it that their children got a good education. All the poor parents had to do was see to it that their children were in the same classrooms.

That was the theory. What happened, of course, is that instead of sprinkling their children around three schools, the luxury high-rise dwellers, black and white, packed their youngsters off to private school. Now instead of one good and two bad schools, Southwest Washington has three bad ones.

After 16 years, we should have learned that the hostage theory doesn't work. This is not to suggest that integration is bad but that it must become a secondary consideration.

Busing makes some sense (as a temporary measure) when its purpose is to transport children from neighborhoods with overcrowded classrooms to schools where there is space to spare.

It works to a limited degree when it involves children whose parents want them bused across town for specific reasons.

But it has accomplished nothing useful when it has meant transporting large numbers of reluctant youngsters to schools they'd rather not attend.

The notion will win me the embarrassing support of segregationist bigots, but isn't it about time we started concentrating on educating children where they are?

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS AMENDMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 633, S. 2548.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, S. 2548 is the school lunch bill?

Mr. MANSFIELD. That is right.

Mr. JAVITS. If the Senator will yield, the Senator from South Dakota (Mr. McGOVERN) is not in the Chamber.

Mr. MANSFIELD. He is out here.

Mr. JAVITS. He and I have some amendments and I do not know how long the debate on these amendments will take nor whether rollcall votes will be desired.

I would like to have some indication on this from the Senator from Georgia. I spoke to him this morning and commended him for his initiative.

Mr. President, there is no sense of opposition, but there are amendments which many of us regard as constructive, and which are sponsored by a considerable number of Senators. Before we embark on this course, at this time and on a Friday, I think it would be useful to find out from the Senator from Georgia his feeling about the amendments.

Mr. TALMADGE. Mr. President, as I expressed to the Senator awhile ago, the Committee on Agriculture is engaged in holding hearings on the omnibus farm bill at the present time. Mr. Shuman, the president of the American Farm Bureau Federation, is testifying. Necessarily many members of the committee want to be present to hear his testimony—especially the chairman and the ranking Republican member, the Senator from Vermont (Mr. AIKEN).

I have suggested to the distinguished majority leader that these amendments offered by the distinguished Senator from New York (Mr. JAVITS), the distinguished Senator from South Dakota (Mr. McGOVERN), and others this morning that there has not been an opportunity to have the amendment printed and Senators have not had an opportunity to study them.

The Department of Agriculture has not had an opportunity to analyze them and make recommendations.

I think it would be well if we were to proceed with general debate on the bill. I will make my statement in chief and no doubt the Senator from New York will make his statement, the Senator from South Dakota will make his statement, and other Senators may speak. Then, when we get as far as we can go today I am willing to enter into a unanimous-consent agreement to provide, say, 1½ hours on each amendment; then we could come in Monday for the transaction of business after the reading of General Washington's Farewell Address.

As far as the Senator from Georgia is concerned, I would be content with the unanimous-consent agreement and then we could proceed to act on amendments as they come up. The committee will take some amendments and others will be opposed, and others will require record votes.

I would think, before we proceeded that far, it would be best that the amendments be distributed and on the desk of each Senator, so they could read them and vote intelligently. The staffs could review them and we could get the views of the Department of Agriculture. Then perhaps we could proceed without acting as if we were flying on one wing.

Mr. JAVITS. Mr. President, if the Senator will yield, like many Members of this body, I have a conflict on Monday. I am committed because it is Washington's Birthday. I could not enter into a unanimous-consent agreement except to start on Tuesday. That does not mean the Senate could not conduct business without me, but I could not join in a unanimous-consent request unless it began on Tuesday.

Mr. MANSFIELD. Mr. President, I find it difficult to acquiesce in what the Senator has suggested. I appreciate the position in which he finds himself, but we have many bills to consider. We have the HEW bill, the Judge Carswell nomination, and the Voting Rights Act. All of those are going to take a little time, I am afraid.

I would hope the spirit of accommodation which has been so noticeable in the first month of this session, and on the basis of which the Senate has accomplished so much and of which each Senator should be very proud, will continue, and that we will not have any obstacles thrown in the path of the consideration of legislation, when we are trying to get out at a reasonably early date, particularly when Senators evidently agreed unanimously, that we would meet on Monday, break precedent, and take up the business pending at the conclusion of the delivery of Washington's Farewell Address by the distinguished Senator from North Dakota (Mr. BURDICK). That is all I have to say.

Mr. JAVITS. Mr. President, if the Senator will yield, I have no desire to interfere with the work of the Senate, but I wish to be here when the bill is debated. As I understand it, this particular bill was not to be called up until after the airport bill.

Mr. MANSFIELD. No; no.

Mr. JAVITS. That was as I understood the matters that were to be laid down. Therefore, evaluating the equities, I am not going to consent.

Mr. MANSFIELD. The Senator has his right, that is true. I have no quarrel with it. But if we want to get out of here at a reasonable time and get our business done, we all have to give a little to try to get out.

Mr. JAVITS. I understand. I have been here and have worked as hard as any Member of this body and have helped get out quite a few pieces of legislation including the education bill, which took 3 days, when it could have taken 3 weeks.

Mr. MANSFIELD. No; it took 2 weeks.

Mr. JAVITS. I believe it took 3 days after the unanimous-consent agreement and in so stating I hasten to add that I yield to no one in my affection for the majority leader.

Mr. MANSFIELD. I do not yield either to anyone in my affection for the Senator from New York but I was just trying to state the situation that exists and was seeking an accommodation, so that the business of the Senate and the business of the people can be conducted.

I yield again.

Mr. JAVITS. Mr. President, I will confer with the majority leader and do my utmost to accommodate him, as I always do.

Mr. MANSFIELD. Just to keep the record straight, if I may, I would like to read from the RECORD of yesterday, February 19, when this question was raised by the distinguished acting minority leader (Mr. GRIFFIN). My answer to his request as to what was the program for the rest of the day and the rest of the week was as follows:

Mr. MANSFIELD. Yes, Mr. President; I am delighted to respond to the question of the distinguished acting minority leader by stating that it is the intention of the leadership to call up H.R. 860, an act to amend section 32(c) of the Labor-Management Relations Act of 1947, and so forth.

That will be followed, hopefully and in time, by S. 2548, a bill to amend the Nutritional School Lunch Act. . . .

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. MANSFIELD. I yield.

Mr. JAVITS. I would like to make a proposal to the Senator.

Mr. MANSFIELD. I am always open.

Mr. JAVITS. I have two amendments. I will consent to an hour's limitation on each, beginning now.

Mr. MANSFIELD. I would like to agree, and I would personally, but I think that would place the distinguished manager of the bill, the Senator from Georgia (Mr. TALMADGE) at a disadvantage, which I would not impose on any Senator.

Mr. JAVITS. In light of the last statement of the Senator from Montana, I believe we should confer on this matter and I will do my best to accommodate him.

Mr. MANSFIELD. I agree.

The PRESIDING OFFICER. The clerk will state by title Calendar No. 633, S. 2548.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 2548) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such acts.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate complete its business today, it stand in adjournment until 12 o'clock noon Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS AMENDMENTS

The PRESIDING OFFICER. The pending question is on proceeding to the consideration of S. 2548.

Mr. MANSFIELD. Mr. President, am I correct in stating that the distinguished Senator from North Dakota (Mr. BURDICK) is to be recognized after the prayer on Monday for the purpose of delivering Washington's Farewell Address?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

- There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with an amendment to strike out all after the enacting clause and insert:

AUTHORIZATION FOR ADVANCE APPROPRIATIONS; CARRYOVER AUTHORIZATION

SECTION 1. (a) Section 3 of the National School Lunch Act is amended by inserting at the end thereof the following: "Appropriations to carry out the provisions of this Act and of the Child Nutrition Act of 1966 for any fiscal year are authorized to be made a year in advance of the beginning of the fiscal year in which the funds will become available for disbursement to the States. Notwithstanding any other provision of law, any funds appropriated to carry out the provisions of such Acts shall remain available for the purposes of the Act for which appropriated until expended."

(b) The first sentence of section 10 of the National School Lunch Act and the first

sentence of section 12(d) (5) of such Act are each amended by striking the words "preceding fiscal year" and inserting in lieu thereof the following: "fiscal year beginning two years immediately prior to the fiscal year for which the Federal funds are appropriated".

NONFOOD ASSISTANCE PROGRAM AUTHORIZATION

SEC. 2. (a) Section 5(a) of the Child Nutrition Act of 1966 is amended to read as follows: "(a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1971, not to exceed \$38,000,000, for the fiscal year ending June 30, 1972, not to exceed \$33,000,000, for the fiscal year ending June 30, 1973, and to exceed \$15,000,000, and for each succeeding fiscal year, not to exceed \$10,000,000, to enable the Secretary to formulate and carry out a program to assist the States through grants-in-aid and other means to supply schools drawing attendance from areas in which poor economic conditions exist with equipment, other than land or buildings, for the storage, preparation, transportation, and serving of food to enable such schools to establish, maintain, and expand school food service programs. In the case of a nonprofit private school, such equipment shall be for use of such school principally in connection with child feeding programs authorized in this Act and in the National School Lunch Act, as amended, and in the event such equipment is no longer so used, it may be transferred to another nonprofit private school participating in any of such programs or to a public school participating in any of such programs, or failing either of these dispositions, that part of such equipment financed with Federal funds, or the residual value thereof, shall revert to the United States."

"(b) The Secretary shall apportion 50 per centum of the funds appropriated for the purposes of this section among the States during each fiscal year on the same basis as apportionments are made under section 4 of the National School Lunch Act, as amended, for supplying agricultural and other foods. The remaining funds appropriated for the purposes of this section shall be apportioned to each State on the basis of the ratio between the number of children enrolled in schools without a food service in such State and the number of children enrolled in schools without a food service in all States. Payments to any State of funds apportioned for any fiscal year shall be made upon condition that at least one-fourth of the cost of any equipment financed under this subsection shall be borne by State or local funds."

ADMINISTRATIVE EXPENSES, NUTRITION EDUCATION, AND DIRECT EXPENDITURES

SEC. 3. The first sentence of section 6 of the National School Lunch Act is amended to read as follows: "The funds provided by appropriation or transfer from other accounts for any fiscal year for carrying out the provisions of this Act, and for carrying out the provisions of the Child Nutrition Act, of 1966, other than section 3 thereof, less

"(1) not to exceed 3½ per centum thereof which per centum is hereby made available to the Secretary for his administrative expenses under this Act and under the Child Nutrition Act of 1966;

"(2) the amount apportioned by him pursuant to sections 4 and 5 of this Act and the amount appropriated pursuant to sections 11 and 13 of this Act and sections 4, 5, and 7 of the Child Nutrition Act of 1966; and

"(3) not to exceed 1 per centum of the funds provided for carrying out the programs under this Act and the programs under the Child Nutrition Act of 1966, other than section 3, which per centum is hereby made available to the Secretary to supplement the nutritional benefits of these programs

through grants to States and other means for nutritional training and education for workers, cooperators, and participants in these programs and for necessary surveys and studies of requirements for food service programs in furtherance of the purposes expressed in section 2 of this Act and section 2 of the Child Nutrition Act of 1966,

shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools and service institutions participating in the food service programs under this Act and under the Child Nutrition Act of 1966 in accordance with the needs as determined by the local school and service institution authorities."

STATE MATCHING REQUIREMENTS

SEC. 4. Section 7 of the National School Lunch Act is further amended by inserting immediately before the last sentence of such section the following: "For the fiscal year beginning July 1, 1971, and the fiscal year beginning July 1, 1972, State revenue (other than revenues derived from the program) appropriated or utilized specifically for program purposes (other than salaries and administrative expenses at the State, as distinguished from local, level) shall constitute at least 4 per centum of the matching requirement; for each of the two succeeding fiscal years, at least 6 per centum of the matching requirement; for each of the subsequent two fiscal years, at least 8 per centum of the matching requirement; and for each fiscal year thereafter, at least 10 per centum of the matching requirement. The State revenues made available pursuant to the preceding sentence shall be disbursed to schools, to the extent the State deems practicable, in such manner that each school receives the same proportionate share of such revenues as it receives of the funds apportioned to the State for the same year under sections 4 and 11 of the National School Lunch Act and sections 4 and 5 of the Child Nutrition Act of 1966."

STATE ADMINISTRATIVE EXPENSES

SEC. 5. The first sentence of section 7 of the Child Nutrition Act of 1966 is amended (1) by inserting "or for the administrative expenses of any other designated State agency" immediately after "its administrative expenses"; and (2) by inserting "and service institutions" immediately after "local school districts".

ADDITIONAL PROGRAM REQUIREMENTS AND AUTHORITY

SEC. 6. (a) Section 9 of the National School Lunch Act (42 U.S.C. 1751) and section 4(e) of the Child Nutrition Act of 1966 (42 U.S.C. 1771) are each amended by inserting after the second sentence, a new sentence: "Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions."

(b) Section 13(f) of the National School Lunch Act is amended by inserting after the second sentence, a new sentence: "Such determinations shall be made by the service institution authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions."

(c) The third sentence of section 9 of the National School Lunch Act and the fourth sentence of section 13(f) of such Act and the fourth sentence of section 4(e) of the Child Nutrition Act of 1966 are each

amended by striking out the period at the end of the sentence and inserting in lieu thereof a comma and the following: "nor shall there be any overt identification of any such child by special tokens or tickets, announced or published lists of names, or other means."

(d) Section 9 of the National School Lunch Act is further amended by inserting at the end thereof a new sentence as follows: "The Secretary is authorized to prescribe terms and conditions respecting the use of commodities donated under such section 32, under section 416 of the Agricultural Act of 1949, as amended, and under section 709 of the Food and Agriculture Act of 1965, as amended, as will maximize the nutritional and financial contributions of such donated commodities in such schools and institutions."

SPECIAL ASSISTANCE

SEC. 7. Section 11 of the National School Lunch Act is amended to read as follows:

"SPECIAL ASSISTANCE

"SEC. 11. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each succeeding fiscal year such sums as may be necessary to provide special assistance to assure access to the school lunch program under this Act by children of low-income families.

"(b) Of the sums appropriated pursuant to this section for any fiscal year, 3 per centum shall be available for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. From the funds so available the Secretary shall apportion to each such State an amount which bears the same ratio to such funds as the number of children aged three to seventeen, inclusive, in such State bears to the total number of such children in all such States. If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such State which justifies, on the basis of operating experience, the need for additional funds for such purposes.

"(c) The remaining sums appropriated pursuant to this section for any fiscal year shall be apportioned among States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa. The amount apportioned to each State shall bear the same ratio to such remaining funds as the number of children in such State aged three to seventeen, inclusive, in families with incomes of not more than \$3,000 per annum plus the number of such children in families that receive more than \$3,000 per annum from federally assisted public assistance programs, bears to the total number of such children in all such States. If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such State which justifies, on the basis of operating experience, the need for additional funds for such purposes.

"(d) Payment of the funds apportioned to any State under this section shall be made as provided in the last sentence of section 7 of this Act.

"(e) Except as provided in paragraph (g), funds paid to any State for any fiscal year pursuant to this section shall be disbursed to schools in such State only for the purpose of reimbursing them for the cost of obtaining agricultural commodities and other foods for consumption by children in the school lunch program. The amounts of funds that each school shall from time to time receive (within a maximum per lunch amount established by the Secretary for all the States) shall be based on the need of the school for assistance in meeting the requirement of section 9 of this Act concerning the

service of lunches to children unable to pay the full cost of such lunches.

"(f) If in any State the State education agency is not permitted by law to disburse funds paid to it under this Act to nonprofit private schools in the State, the Secretary shall withhold from the funds apportioned to such State under subsection (b) or (c) of this section an amount which bears the same ratio to such funds as the number of free and reduced-price lunches served in accordance with section 9 of this Act in the fiscal year beginning two years immediately prior to the fiscal year for which the funds are appropriated by all nonprofit private schools participating in the program under this Act in such State bears to the number of such free and reduced-price lunches served during such year by all schools participating in the program under this Act in such State. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within such State for the same purpose and subject to the same conditions as are applicable to a State educational agency disbursing funds under this section.

"(g) In circumstances of severe need where the rate per lunch which the school would otherwise receive is determined by the Secretary to be insufficient to carry out an effective school lunch program in such school, he may authorize financial assistance up to 80 per centum of the operating costs of such program, including the cost of obtaining, preparing, and serving food. In the selection of schools to receive assistance under this subsection, the State educational agency shall require applicant schools to provide justification of the need for such assistance.

"(h) In carrying out this section, the terms and conditions governing the operation of the school lunch program set forth in other sections of this Act, including those applicable to funds apportioned or paid pursuant to section 4 or 5 but excluding the provisions of section 7 relating to matching, shall be applicable to the extent they are not inconsistent with the express requirements of this section."

REGULATIONS

SEC. 8. Section 10 of the Child Nutrition Act of 1966 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "and the National School Lunch Act, including regulations relating to the service of food in participating schools and service institutions in competition with the programs authorized under this Act and the National School Lunch Act. In such regulations the Secretary may provide for the transfer of funds by any State between the programs authorized under this Act and the National School Lunch Act on the basis of an approved State plan of operation for the use of funds and may provide for the reserve of up to 1 per centum of the funds available for apportionment to any State to carry out special developmental projects."

NATIONAL ADVISORY COUNCIL

SEC. 9. The National School Lunch Act is amended by adding at the end thereof the following new section:

"NATIONAL ADVISORY COUNCIL

"SEC. 14. (a) There is hereby established a council to be known as the National Advisory Council on Child Nutrition (hereinafter in this section referred to as the 'Council') which shall be composed of thirteen members appointed by the Secretary. One member shall be a school administrator, one member shall be a person engaged in child welfare work, one member shall be a person engaged in vocational education work, one member shall be a nutrition expert, one member shall be a school food service management expert, one member shall be a State superintendent of schools (or the equivalent thereof), one

member shall be a State school lunch director (or the equivalent thereof), one member shall be a person serving on a school board, one member shall be a classroom teacher, and four members shall be officers or employees of the Department of Agriculture specially qualified to serve on the Council because of their education, training, experience, and knowledge in matters relating to child food programs.

"(b) The nine members of the Council appointed from outside the Department of Agriculture shall be appointed for terms of three years, except that such members first appointed to the Council shall be appointed as follows: Three members shall be appointed for terms of three years, three members shall be appointed for terms of two years, and three members shall be appointed for terms of one year. Thereafter all appointments shall be for a term of three years, except that a person appointed to fill an unexpired term shall serve only for the remainder of such term. Members appointed from the Department of Agriculture shall serve at the pleasure of the Secretary.

"(c) The Secretary shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Council.

"(d) The Council shall meet at the call of the Chairman but shall meet at least once a year.

"(e) Seven members shall constitute a quorum and a vacancy on the Council shall not affect its powers.

"(f) It shall be the function of the Council to make a continuing study of the operation of programs carried out under the National School Lunch Act, the Child Nutrition Act of 1966, and any related Act under which meals are provided for children, with a view to determining how such programs may be improved. The Council shall submit to the President and the Congress annually a written report of the results of its study together with such recommendations for administrative and legislative changes as it deems appropriate.

"(g) The Secretary shall provide the Council with such technical and other assistance, including secretarial and clerical assistance, as may be required to carry out its functions under this Act.

"(h) Members of the Council shall serve without compensation but shall receive reimbursement for necessary travel and subsistence expenses incurred by them in the performance of the duties of the Council."

Mr. TALMADGE. Mr. President, the bill before the Senate, S. 2548, is designed to strengthen and improve our child feeding programs under the National School Lunch Act and the Child Nutrition Act of 1966.

The bill was introduced by myself, with the following cosponsors: Mr. BENNETT, Mr. HART, Mr. HOLLINGS, Mr. KENNEDY, Mr. MCGOVERN, Mr. METCALF, Mr. MOSS, Mr. PACKWOOD, Mr. SPONG, and Mr. YARBOROUGH. Our purpose in introducing this bill was to insure that no child who comes to school hungry must go home hungry.

This legislation is the product of 10 months of work on the problems of child nutrition, beginning with a tour I made of the school lunch programs of my own State of Georgia.

In April of 1969, I inspected school lunch programs in urban and rural parts of Georgia where there are heavy concentrations of needy children. While I was impressed with the excellent job that school administrators are doing in Georgia, I was shocked by the great unmet need in my State.

Georgia's school lunch program, under the direction of an extremely able and dedicated school lunch director, is one of the best in the Nation. However, there is only so much that can be done within the confines of present law—and the money now available for free and reduced price lunches will feed only so many children.

Upon hearing testimony and reading data concerning the school lunch programs of other States, I found that the situation in many States is far worse than it is in Georgia. Many school districts do not participate in the school lunch program at all. Many schools have no facilities for the preparation of school lunches.

With these unpleasant facts in mind, I introduced on July 7, 1969, legislation to insure that school lunches are made available to every needy child in America.

The response that my bill received was more than gratifying. Although I did not actively seek cosponsors, my bill was cosponsored by several of the ablest Members of the Senate—members of both the Republican and Democratic Parties and members from the whole spectrum of political philosophy in the Senate. It seems that my bill has received the support of just about every national organization which is vitally concerned with America's children. The American School Food Service Association, comprised of school lunch directors of all the States, has been extremely active and helpful with its support.

Mr. President, I point to this support only to illustrate the strength of feeling about hungry children. It seems that the American people—and their elected representatives—have suddenly realized that it is a national disgrace for a nation with as much agricultural abundance as America to tolerate hunger and malnutrition on the part of a great number of its children.

The response of the Committee on Agriculture and Forestry to legislation to improve our child feeding programs could not have been better. After only 1 day of consideration, the committee unanimously agreed to report S. 2548.

The committee believes that a consensus of American opinion dictates that this Congress act now to restructure our school lunch program so that free lunches will be available to every child who cannot afford the proper price of a school lunch. We must see that this Congress appropriates enough money so that our schools can afford the cost of preparing and serving food to the economically deprived children.

In that connection, Mr. President, the Committee on Agriculture and Forestry just this week reported unanimously a bill to authorize an additional \$30 million for section 32 funds for this fiscal year, and that bill was passed today, during the morning hour, without a single dissenting vote.

So our committee and Congress are moving rapidly and expeditiously to solve the unmet needs in our child nutrition programs within our schools.

Mr. President, the House of Representatives has already taken action on this

issue. During the last session of Congress, the House approved H.R. 515, a bill proposed by Congressman PERKINS, chairman of the House Committee on Education and Labor. H.R. 515 is an excellent bill and I incorporated many of its provisions in my own bill. During the hearings on school lunch bills conducted by the Senate Committee on Agriculture and Forestry, Congressman PERKINS testified in favor of S. 2548 and indicated that he favored it over H.R. 515. Subsequently, he introduced a bill, H.R. 14660, which is patterned after the bill we are discussing today. The Congressman did express reservations about the matching formula of S. 2548, but the Agriculture Committee has agreed to the matching provisions of H.R. 515 and substituted them for the matching provisions of the bill which I originally introduced.

Mr. President, if the Senate passes S. 2548, we can expect prompt action in the House of Representatives. I know that Congressman PERKINS will cooperate in securing the final adoption of a bill as soon as possible.

The bill under consideration will improve and perfect a program that was begun as a surplus removal operation under section 32 of Public Law 320, 74th Congress, and which evolved from other Federal and local actions to provide meals for schoolchildren.

In 1946, Senator RUSSELL and Senator ELLENDER secured the passage of the National School Lunch Act. This act provided an excellent statutory framework for the development of school lunch programs throughout the Nation. Over the years, the School Lunch Act has been amended as new problems arose or as improvements appeared advisable. The Child Nutrition Act of 1966 was enacted to provide for school breakfasts from schools drawing attendance from poor areas and for the purchase of equipment for such schools.

The programs provided for by these acts are as follows:

The regular school lunch program is provided for by section 4 of the National School Lunch Act. This section provides for grants to States to be used only for food for lunches to be served to children in schools of high school grade and under participating in the program. These sums are required to be matched by three times as much in State and local funds. The amounts the children pay for their lunches count toward this matching requirement and represent the greater part of it. The Federal fund apportioned for this program for the current fiscal year amounts to \$168,041,000.

Section 9 of the National School Lunch Act requires that lunches must be served free or at reduced cost to children unable to pay the full price. It became evident some years ago that this requirement was very difficult to meet in the case of schools drawing their attendance from poor areas where most of the children might require free or reduced cost meals. Consequently section 11 was added to the National School Lunch Act to provide for special assistance in the form of grants to such schools. The amount provided for this purpose in the current fiscal year is \$44,800,000.

It cannot be doubted that funding must be greatly increased to provide free and reduced price lunches to all needy children. The Department of Agriculture estimates that there are 6.6 million children from low income families who require free or reduced price lunches.

At my request, the American School Food Service Association did a survey to determine the number of children who qualify for free and reduced price meals, and the number who actually receive these meals. Complete figures were not available in seven States, but in the 43 States where figures were available, the survey indicates that 2.8 million needy children are not receiving free or reduced price meals. There is no doubt but that with the inclusion of the seven States, this figure would be well above 3 million.

Section 4 of the Child Nutrition Act of 1966 provides for a school breakfast program. Under this section Federal grants are made to States to reimburse selected schools for foods used in this program and, in cases of severe need, other costs. In selecting such schools, first consideration is given to schools drawing attendance from poor areas and schools attended by children who must travel long distances daily; \$10 million is being apportioned under this program in the current fiscal year.

One of the difficulties encountered in reaching all of the children, and particularly the neediest children, lies in the fact that many schools, particularly the older schools in the inner city, do not have the cafeteria and kitchen equipment needed for serving lunches. In order to meet this difficulty Congress enacted section 5 of the Child Nutrition Act, which provides for grants to assist schools drawing attendance from poor areas in obtaining equipment. The amount available for this program for the current fiscal year is \$10 million.

Section 13 was added to the National School Lunch Act in 1968 to provide for a special food service program for children in day-care centers and certain other nonschool situations. The amount provided for this program for the current fiscal year is \$15 million.

Section 3 of the National School Lunch Act provides for a special milk program for children in schools, camps, and other nonprofit institutions; \$102,285,810 is available for this purpose in fiscal 1970.

In addition to the above, the appropriation act for fiscal 1970 authorized the use of \$100 million of section 32 funds for feeding programs, of which \$67 million is being used primarily to expand free or reduced price lunches and breakfasts to children from low-income families.

And further, in addition, commodities are made available under section 6 of the National School Lunch Act, section 416 of the Agricultural Act of 1949, section 32 of Public Law 320, 74th Congress, and other legislation.

But all of this is not enough. Although meals have always been required to be served free or at reduced cost to children unable to pay the full cost, we have not succeeded in reaching all these children. The reasons for this are varied. There

have not been sufficient funds. Many schools do not have needed equipment. Funds are frequently provided too late to permit adequate planning. The greater part of the cost of the program comes from children's payments, and as lunch prices are raised to make up for the cost of free lunches, those that pay are priced out of the program. There is not sufficient flexibility, so that available funds cannot always be used for the purposes for which they are most needed. New and more efficient ways of providing the lunches need to be devised. Better criteria must be developed for determining those who can pay and those who cannot pay, and those who cannot pay must be protected from any embarrassment.

It is the purpose of the bill to strengthen and improve the program and to remove these obstacles to providing free or reduced-price lunches to children that are entitled to them. To accomplish these objectives, the bill would make the following changes in the law:

First, it would require that State revenues represent a portion of the local matching requirement applicable to the regular school lunch program. Grants under section 4 of the National School Lunch Act for food for the program must be matched by three times as much in local funds. The major part of these local funds represent children's payments for their lunches. Section 4 of the bill would require States in fiscal 1972 to contribute from State revenues at least 4 percent of the total matching requirement. This would increase 2 percent each 2 years until it reached 10 percent in fiscal 1978. The table on pages 14 and 15 of the committee report shows what the States now contribute and how they would be affected in fiscal 1978, when the full 10 percent would be required. Thirteen States already contribute more than 10 percent. Based on 1968 data, the other States would have to increase their contributions by a total of \$29,983,735, by fiscal 1978.

The effect of this provision would be twofold. It would provide more funds for the program, thereby helping to pay for the lunches of the poor children. And it would encourage the States to exercise the most careful administration so that each dollar will be well spent.

Second, the bill would authorize increased appropriations for nonfood assistance and provide for apportionment of half of such funds on the basis of the number of children enrolled in schools without a food service. The amount authorized by existing law for fiscal 1970 for this purpose was \$18 million, but only \$10 million was actually appropriated. Existing law does not authorize any appropriations for fiscal 1971 and thereafter. Section 2 of the bill authorizes \$38 million for fiscal 1971, \$33 million for fiscal 1972, \$15 million for fiscal 1973, and \$10 million for each succeeding fiscal year. The objective is to provide larger sums in the next few years to provide equipment as soon as possible so as to bring the program to the schools without food service and to the children in those schools. To a large extent these schools are older schools in the inner city or other deteriorating areas, and their chil-

dren are among those most in need of a good lunch, without cost.

Under existing law the nonfood assistance funds are apportioned to States on the same basis as apportionments of food assistance funds under section 4. That is, upon the basis of past participation and the assistance need rate—which is based on average per capita income in the State. While these factors should be considered, the committee felt that half of the funds ought to be apportioned on the basis of the need for nonfood assistance, as indicated by the number of children in schools without a food service.

Third, it would revise section 11 of the National School Lunch Act so that special assistance funds would go more directly to the needy child. At present special assistance funds are apportioned to the States on the basis of the number of free or reduced-price lunches served during the preceding year. This tends to channel funds to the States that have been able to serve a large number of free or reduced-price lunches rather than to those that may have had greater need for such lunches but less ability to fill that need. It has also resulted in accounting problems as to which lunches should be considered to be reduced-price lunches for the purpose of the apportionment formula. In some schools where the prices of all lunches served are low, there may not be many reduced-price lunches, while in schools where the regular lunch price is higher, there may be more reduced-price lunches. Under section 7 of the bill special assistance funds are apportioned to the States on the basis of the number of children, aged 3 to 17, in families with incomes of not more than \$3,000 per year plus the number of such children in families that receive more than \$3,000 per year from federally assisted public assistance programs.

Also, under existing law special assistance funds are disbursed to selected schools. Under section 7 of the bill they would go to all schools on the basis of their need for assistance in providing the free and reduced-price lunches required by section 9 of the National School Lunch Act. At present schools which do not receive special assistance funds may have to raise prices to other children in order to provide free or reduced-price lunches to poor children. This tends to force some of the children who can pay out of the program, with resulting damage to the program for all children.

Fourth, under section 7 of the bill special assistance funds would be authorized to be appropriated in such amounts as may be necessary to assure access to the school lunch program by children of low-income families. At present it provides only for sums needed to assist certain schools in meeting the requirements of section 9. It is the purpose of the bill to provide every needy child with a free or reduced-price lunch, whenever he may go to school.

Fifth, section 7 provides that special assistance funds in circumstances of severe need, instead of being restricted to use for food alone, may be used for up to 80 percent of a school's lunch program operating costs. This may be necessary in poor areas where there are a large number of free lunches.

Sixth, the bill would provide for more flexibility in the use of funds apportioned to the States for the various programs provided by the act. Under section 8 of the bill, the Secretary could permit a State which, for example, had an excess of food assistance funds to use its excess food assistance funds for equipment. The Secretary could permit transfer of funds from one program under the act to another as required to meet each State's needs. A State might need funds to equip a cafeteria this year, funds for food to be served in that cafeteria this year or next year. One year it might need special assistance to provide free lunches, another year it might be starting a breakfast program and have special needs for that program. The objective of this provision is to put every dollar where it will do the most good.

Seventh, the bill makes a number of changes designed to provide for a more efficient and effective program as follows:

Section 8 authorizes the use of funds for special developmental projects to improve program methods and facilities. Under it, pilot projects might be undertaken in the use of food management companies, special fabricated food items, or equipment, packaging, or delivery systems. By using each dollar more efficiently, we will be able to use our funds to reach more poor children.

Section 1 authorizes appropriations 1 year in advance to provide the States with better opportunity to plan their operations with assurance as to the amount of Federal funds that will be available. For much the same reason, section 1 provides for apportionment of section 4 funds on the basis of earlier data as to past participation.

Section 3 authorizes the use of funds for nutritional training and education for workers, cooperators, and participants in child-feeding programs under these acts. This should help us to get more nutrition for each dollar spent and make a greater contribution to the health of the children receiving meals under the program. Teaching the children something about proper diet and good eating habits should result in improvement in diets in their homes as well as in their future lives and the lives of their children.

Eighth, the bill requires publicly announced policies with respect to eligibility for free and reduced-price meals and prohibits overt identification of any child receiving such a meal. The bill is designed to assure such child access to such meals. These provisions would insure that he knows that he is entitled to such a meal and that he is not prevented by shame or embarrassment from taking it.

Lastly, the bill provides for a continuing study of our child-feeding programs so that they may continue to be improved as new ideas and methods are developed. Section 9 of the bill provides for a National Advisory Council on Child Nutrition to be composed of persons with special knowledge and ability in this field to carry out this study.

Mr. President, this is a good bill. The committee held full hearings on it and

made a number of improvements in it. It should make the program more efficient, and more effective to improve the nutrition of our children. It provides for better planning, more research, better nutrition knowledge; more money and better distribution of it, better administration, more flexibility, and generally a better program.

I urge the Senate to approve the bill.

Mr. JORDAN of North Carolina. Mr. President, will the Senator from Georgia yield?

The PRESIDING OFFICER (Mr. Spong in the chair). Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. TALMADGE. I am very happy to yield to my distinguished colleague and friend, and member of the committee which wrote the bill.

Mr. JORDAN of North Carolina. Mr. President, I am delighted to associate myself with the remarks just made by the Senator from Georgia in explaining the bill. He has done an outstanding job in describing what the bill will do in comparison with what the law now is.

And one of the things the Senator from Georgia brought out that I think is very significant is that when holding hearings in the past year, we found that a great many schools—and this was largely true in the larger cities—did not have any cafeterias at all. They did not have any equipment. They did not even have a place in which to put the equipment.

Mr. TALMADGE. And this bill makes arrangements for that purpose.

Mr. JORDAN of North Carolina. The Senator is correct. And they can do that and pay for it and provide space in several other places where the Federal program can be provided for local school children in the United States if the local people want it.

I am glad to support the bill.

Mr. TALMADGE. Mr. President, I appreciate the Senator's contribution both on the committee and on the floor of the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I yield to the distinguished senior Senator from Vermont (Mr. AIKEN), the ranking member of the Committee on Agriculture and Forestry.

Mr. AIKEN. Mr. President, I have no remarks to make in particular on details of the bill at this time. I do want to commend the Senator from Georgia who, I believe, is one of the ablest members serving on the Committee on Agriculture and Forestry; or in the Senate, for that matter.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. AIKEN. I yield.

Mr. TALMADGE. Mr. President, I can-

not refrain from thanking my friend, the Senator from Vermont, who is the ranking minority member of the Committee on Agriculture and Forestry and is the dean of his party. Praise coming from him is praise indeed, and I deeply appreciate it.

Mr. AIKEN. Mr. President, Georgia and Vermont are not what they were 100 years ago. I reiterate what I said about the Senator from Georgia. He is exceptionally well qualified to discuss the subject he has been discussing—the school lunch program.

Mr. President, I do not think that anyone has ever been more concerned over the adequate feeding of poor people and schoolchildren than I have. I have worked on this premise ever since I have been a Member of the Senate. I still stand for that, but I do realize that we have to proceed to improve these programs in a rational manner.

We should not go too far out. We cannot do even all that I would like to do. And above all else, we have to watch out that in trying to improve the programs which we thoroughly believe in, we do not do harm to other phases of our Government.

In fact, if we were to accept the recommendations of some well meaning people, we would have to literally change the form of government which we have in the United States. And I do not think that anyone wants to do that.

I simply want to say that I support the Senator from Georgia and the Senate Committee on Agriculture and Forestry with respect to this bill which is now pending before the Senate.

I do not say that any amendment whatsoever would be objectionable, but I do say that one the whole we should accept the bill practically as it came from the Committee on Agriculture and Forestry and that it will represent a tremendous improvement in the school lunch program if we do so.

I thank the Senator from Georgia for yielding me the time which he did.

Mr. DOLE. Mr. President, as a member of both the Senate Select Committee on Nutrition and Human Needs and the Agriculture and Forestry Committee, I have become increasingly aware of the disastrous effects of hunger and malnutrition in the United States.

Today, we in the Senate are taking a constructive step in combating hunger as we consider S. 2548, the school lunch and child nutrition amendments as submitted by the distinguished Senator from Georgia.

Since the school lunch program was started in 1943, its value has never been questioned. But as is often the case, the proper and efficient administration of a program has not always met the expectations of its creators. I concluded long ago that only through the close cooperation of all levels of government and the private sector is there any hope of finding meaningful solutions to correct the inadequacies of such programs.

Therefore, as we consider S. 2548, I would like to share with my colleagues a report on the child feeding programs by the private sector in Kansas. This is a subcommittee report of the Kansas

Committee on Nutrition and Human Needs which assisted me last summer in reviewing and deliberating on possible new approaches to meeting the needs of our disadvantaged citizens in Kansas.

It has been amply documented, in this report as well as in others, that a child's ability to think and concentrate is impaired by hunger. Further, as the Kansas subcommittee states:

In our competitive society, there is an important relationship between a child's nutritional experience and his eventual competence as an adult.

Therefore, I urge the Senate to support S. 2548 in the interest of insuring equal opportunity in education through adequate nutrition as well as in the interest of the welfare of future adults of our society.

Mr. President, I ask unanimous consent that this report on child feeding programs and a memorandum be printed in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

CHILD NUTRITION PROGRAMS

(Report of Kansas Committee on Nutrition and Human Needs)

1. SCHOOL BREAKFAST AND LUNCH PROGRAMS

In view of the fact that there is a definite and immediate need for an initial outlay for establishing food facilities, the current major problem is the method of receiving and utilizing money over and above the cost of food. These facilities must be established in order to use existing funds, now available under the National School Act and also the Childs Nutrition Act for school Breakfasts, which must be turned back if there are no facilities to store, prepare or serve the food which can be purchased and also no personnel to supervise and prepare it. We recommend that Federal assistance is needed for equipment and personnel on an interim basis. We recommend initiating a General School Aid Program such as block grants, instead of the present categorical aid. There must be more flexibility in sharing the cost, where participation is high and relative economic status is low, also more flexibility in the methods of preparation, distribution and serving. The law in Kansas, on school financing does not permit spending over 104% of the previous expenditures, subsequently, the cost of establishing kitchens and etc., cannot be included in the school budget. The present conditions prohibit the schools from entering into this program and consequently, there is hunger and malnutrition. In our competitive Society, there is an important relationship between children's nutritional experience and their eventual competence as adults.

2. STATE CONSULTANT NUTRITIONIST

We also recommend Kansas re-establish the position of State Consultant Nutritionist in the State Department of Health, which was unfilled for three years because of absolute noncompetitive salary and was removed from the budget because it could not be filled. This person in the past was primarily serving schools and youth institutions on food utilization and the relationship of nutrition to health of school age children.

We recommend more publicity on why Federal funds can not be used. We would like to see Welfare cooperate with the schools to encourage families to use a portion of the food allotment as allocation for reduced price lunches.

Could the money that is designated for school lunches (15¢ per day) be paid directly to the school so these children can have lunch?

MEMORANDUM OF THE KANSAS STATE DEPARTMENT OF HEALTH, DIVISION OF MATERNAL AND CHILD HEALTH, JULY 29, 1969

To: Committee on Nutrition and Human Needs, Subcommittee #3, School Lunch and Breakfast

From: Evalyn S. Gendel, M.D.

Re concerns of School Age Children

The School Health Section of the Division of Maternal and Child Health of the Kansas State Department of Health has an awesome health charge both legislative and ethical. This charge is to discover the causes of disease, disability and death in children and to remedy them through all available means. It is a broad charge which encompasses many aspects of preventive medicine.

According to the practicing pediatrician and family doctor the most frequent complaints of parents when bringing a child to the doctor's office for examination is that "Susie or Johnnie is not learning in school" or that his behavior is distressing or distracting to the parents or to the school. The conscientious parent who offers medical care for the child hopes that some minor physical problem will be found and remedied so that their "child can learn or behave better." The neglectful or abusive parent may never get the child to a doctor's office. Public clinics report children with general "poor health" or "poor behavior patterns" also, and school personnel, who continually observe children, report non-learners and behavioral problems as their most pressing problems. These are not dramatic issues like an epidemic of disease or rat bites, but they are persistent and serious.

In reviewing correspondence over a ten year period from nurses, teachers, and the medical profession, I find frequent reference to the need for an in-depth social and health study of a child and his family, because of suspicion of hunger or malnutrition as the cause of drowsiness, or discomfort, or inattention on the part of the child. Often children are ashamed to admit not having breakfast or lunch. In our own Topeka area, a public health nurse, following up on a sick child, found three children going home for "lunch" (no meal offered at school). "Lunch" meant just going home. No food or parent was there to feed them. Whether the parent was guilty of neglect is beside the point. Three children were experiencing feelings in school each afternoon unrelated to a desire for knowledge. How many children there are in Kansas with these circumstances is not known, as adequate studies have not been done. Many cases are disguised by the pride and hurt feelings of the children themselves. On empirical evidence alone, however, it appears that the obstacle to breakfast and lunch programs must be overcome on an emergency basis. How many more "dropouts" from the learning process can the society afford? By this, I mean the loss of the potential of a child, who, though he remains in the classroom physically, is deriving a different learning than we think. These children are learning a number of things:

1. That people don't really care.
2. That books and charts do not take the place of food.
3. That one must "figure out" how to eat and that may mean taking food from a store or money to buy food.
4. That hunger pains, or weakness or headache resulting from frequent missed meals, block out the ability to concentrate, to socialize, to become.

The concern for how a district will finance a program where more and more children are eligible for free lunches is a real and practical problem, but every day longer that it takes to solve it, is that many more children who are developing attitudes toward themselves and others that are at best indifferent, and at worst destructive for the future.

In different ways, we are all familiar

with "the scene." In my own experience, I have been in poor homes in east Topeka, in certain rural areas around Auburn, Kansas (where I practiced) that were equally desolate, and for three years in medical school riding an ambulance for Charity Hospital of New Orleans and through the early years growing up in that city where you come to know "the hopeless." The situation in Kansas City, Wichita, and other Kansas centers is no different. Examining these children, getting histories from the parents, makes an impact that far outweighs whatever are our roadblocks for implementing adequate school lunch (and breakfast) programs.

I am not sure of feasible plans of action (talk, like above, is pretty easy) but could this subcommittee recommend:

1. Primary "crash" recommendation for implementation of school lunch and breakfast programs:

That such programs be made available to all students who indicate that they wish to participate and that the federal government supply baseline costs for developing facilities for preparing and/or distributing lunches over and above the funding for food itself. What has now been recognized in the committee hearings at the federal level and in the state of Kansas from the Kansas City school system, Wichita school system, and others, is that funds for food sometimes cannot be utilized because the various schools where the children need these programs the most were not built to house kitchens, or even to be distribution points, or provide places to serve children. That supervisory personnel and trained nutritionists, equipment, etc. costs cannot be borne by already overloaded taxes for schools, and that these federal funds be made available on an interim basis until such time as revision of legislation on a more equitable and matching basis be worked out.

2. That the push to make implementation feasible should be made by the subcommittee to the Kansas overall committee by creating an awareness of the effects on mental, physical, social, and emotional development of the child and ultimately of the society itself.

3. That the committee help sensitize the public to the further issues of the genetic effects of those who are underfed and/or malnourished, how, on their own children, and so in a cumulative effect on the whole next generation, whether or not they themselves are poor or are malnourished. The long range research is not complete, but the short range scientific data are conclusive enough that we can already measure in some of our Kansas born infants the deleterious effects of the mothers (and fathers) inadequate diets on their offspring. The diet of the growing school child in his rapid period of growth is critical to this future cellular and genetic pattern.

4. That to implementation of school feeding programs a program of education about nutrition must be aligned. Education which has meaning for the child and his family is critical to the ongoing effect of a school breakfast and lunch schedule.

5. That for the local situation in the state of Kansas, the committee make a strong recommendation to the state administration, itself, that a position for a nutritionist in the State Health Department be reinstated as per a job description to again be submitted at a competitive salary which will permit the employment of such an individual. This position, in the past, has served to provide a skilled public health nutritionist able to make the relationships between health and medical aspects of nutrition and health in their long term effect on the school age child and his ability to learn.

AMENDMENTS NOS. 508 THROUGH 512

Mr. McGOVERN. Mr. President, the pending bill, which represents to a great extent the work of the distinguished Pre-

siding Officer, the Senator from Georgia (Mr. TALMADGE), is an important step forward in strengthening our child feeding program; and I think the entire country is indebted to the Senator from Georgia (Mr. TALMADGE) for his leadership in this field.

I do think there are certain changes or improvements that can yet be made in the bill, and I have joined with a group of eight other Senators in a series of five amendments that we will offer to improve the legislation that will soon be acted upon here in the Senate.

So, Mr. President, I send to the desk an amendment to S. 2548.

I also send to the desk amendments on behalf of the Senator from Michigan (Mr. HART) and the Senator from Massachusetts (Mr. KENNEDY).

I ask unanimous consent that the three amendments be printed and lie on the table.

The PRESIDING OFFICER. Without objection, the amendments will be received and printed and will lie on the table.

Mr. McGOVERN. Mr. President, the amendments which I have just sent to the desk are three of the five amendments which are being cosponsored by the same nine Senators who cosponsored the substitute food stamp bill that passed the Senate last September. The cosponsors, in addition to myself, are Senators COOK, HART, JAVITS, KENNEDY, MONDALE, PELL, PERCY, and YARBOROUGH.

The five amendments are intended to be called up at the appropriate time during debate on S. 2548.

In addition to the three amendments just submitted, the two remaining amendments will be sponsored by Senator JAVITS. So that Members of the Senate will have an opportunity to review all five amendments in the CONGRESSIONAL RECORD when it is available to us tomorrow morning. I ask unanimous consent that these five amendments be printed in the RECORD.

The PRESIDING OFFICER. The amendments will be received and printed, and will lie on the table; and, without objection, the amendments will be printed in the RECORD.

The amendments (Nos. 508 through 512) are as follows:

AMENDMENT No. 508

On page 21, between lines 8 and 9, insert the following:

"SEC. 6. (a) The second sentence of section 9 of the National School Lunch Act (42 U.S.C. 1751 (a)) is amended by inserting 'not exceeding 20 cents per meal' immediately after 'or at a reduced cost'.

"On page 21, line 9, strike out 'Sec. 6. (a)' and insert in lieu thereof '(b)'."

On page 21, line 18, strike out the period and insert in lieu thereof a semicolon and the following: "but any child who is a member of a household which (1) is eligible to participate in a Federal food stamp program or commodity distribution program or (2) has an annual income equivalent to \$4,000 or less for a household of four persons shall be served meals without cost. Determination with respect to the annual income of any household shall be made solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household."

On page 22, line 20, immediately after the period insert the following: "The requirements of this section relating to the

service of meals without cost or at a reduced cost shall apply to the lunch program of any school utilizing commodities donated under any of the provisions of law referred to in the preceding sentence."

AMENDMENT No. 509

On page 29, after line 6, insert the following:

"UTILIZATION OF PRIVATE FOOD SERVICE COMPANIES"

"SEC. 10. The National School Lunch Act is further amended by adding after section 14 (as added by section 9 of this Act) a new section as follows:

"UTILIZATION OF PRIVATE FOOD SERVICE COMPANIES"

"SEC. 15. (a) Any school which the Secretary determines lacks or has inadequate food preparation facilities may formulate and carry out under this Act and the Child Nutrition Act of 1966 a child feeding program by contracting with private food service concerns for the provision of nutritious meals for such school.

"(b) The Secretary shall provide food commodities, including milk, to schools which conduct programs authorized by this section, and such schools shall be entitled to cash benefits authorized under this Act and the Child Nutrition Act of 1966.

"(c) The highest nutritional requirements prescribed by the Secretary for lunch and breakfast meals served under this Act and the Child Nutrition Act of 1966, respectively, shall apply in the case of lunch and breakfast meals contracted for by any school under authority of this section."

AMENDMENT No. 510

On page 22 line 25 strike everything through line 1 on page 23 and insert in lieu thereof the following:

"SEC. 11. (a) There is hereby authorized to be appropriated \$250,000,000 for the fiscal year ending June 30, 1971; \$300,000,000 for the fiscal year ending June 30, 1972; and \$350,000,000 for the fiscal year ending June 30, 1973."

AMENDMENT No. 511

On page 29 after line 6 insert the following:

"Section 4 of the Child Nutrition Act of 1966 is hereby amended to read as follows:

"SCHOOL BREAKFAST PROGRAM AUTHORIZATION"

"SEC. 4. (a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1971, \$25,000,000; for the fiscal year ending June 30, 1972, \$50,000,000; and for the fiscal year ending June 30, 1973, \$75,000,000 to enable schools to initiate, maintain, or expand non-profit breakfast programs for needy school children.

"APPORTIONMENT TO STATES"

"(b) The Secretary shall apportion the funds appropriated pursuant to this section for any fiscal year in accordance with the apportionment formula contained in section 11 of the National School Lunch Act, as amended.

"STATE DISBURSEMENT TO SCHOOLS"

"(c) Funds apportioned and paid to any state for the purpose of this section shall be disbursed by the state educational agency to schools selected by it to assist such schools in financing all or part of the operating costs of the school breakfast program in such schools, including the cost of obtaining, preparing, and serving food. The amounts of funds that each school shall from time to time receive shall be based on the need of the school for assistance in meeting the requirements of subsection (d) concerning the service of breakfasts to children unable to pay the full cost of such breakfasts. In selecting schools for participation in the program, the state educational agency shall give first consideration to those schools with high numbers of children from low-income fami-

lies and to those schools to which a substantial proportion of the children enrolled must travel long distances daily.

"NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS"

"(d) Breakfasts served by schools participating in the school breakfast program under this section shall consist of a combination of foods and shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research. Such breakfasts shall be served without cost or at a reduced cost only to children who are determined by local school authorities to be unable to pay the full cost of the breakfast. Such determination shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions: *Provided*, That any child who is a member of a household which (a) is eligible to participate in a food stamp or commodity distribution program, or (b) has an annual income equivalent to or less than \$4,000 for a household of four persons shall be eligible to receive meals without cost. The determinations of such income shall be eligible to receive meals without cost. The determinations of such income shall be made solely by execution of an affidavit by the member of such household. In making such determinations, such local authorities should, to the extent practicable, consult with public welfare and health agencies. No physical segregation of or other discrimination against any child shall be made by the school because of his inability to pay, nor shall there be any overt identification of any such child by special tokens or tickets, announced or published lists of names, or other means.

"NON-PROFIT PRIVATE SCHOOLS"

"(e) The withholding of funds for and disbursement to non-profit private schools will be effected in accordance with section 10 of the National School Lunch Act, as amended, exclusive of the matching provisions thereof."

AMENDMENT No. 512

(1) On page 23 line 20 strike everything after the period through the period on page 24 line 2 and insert in lieu thereof the following:

"The amount apportioned to each state shall bear the same ratio to the total of such appropriated funds as the number of children attending schools in that state from families with incomes equivalent to \$4,000 per year or less for a family of four bears to the total number of such children in all such states."

(2) On page 24 line 11 strike everything through line 22 and insert in lieu thereof the following:

"(e) Funds paid to any state for any fiscal year pursuant to this section shall be disbursed to schools in such state to assist them in financing all or part of the operating costs of the school lunch program in such schools including the costs of obtaining, preparing, and serving food. The amounts of funds that each school shall from time to time receive shall be based on the need of the school for assistance in meeting the requirements of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches."

(3) On page 25 line 3 strike everything through line 10 and insert in lieu thereof the following:

"Same ratio to such funds as the number of children attending such non-profit private schools in such State from families with incomes equivalent to \$4,000 per year or less for a family of four bears to the total

number of such children in all the schools, public and private, in such State."

(4) On page 25 line 16 strike everything through line 25 and renumber subsection (h) on page 6 as subsection (g).

(5) On page 26 between lines 7 and 8 insert the following:

"(i) Not later than June 1 of each year, each State educational agency shall submit to the Secretary, for approval by him as a prerequisite to receipt of Federal funds or any commodities donated by the Secretary for use in programs under this Act and the Child Nutrition Act of 1966, a State plan of child nutrition operations for the following fiscal year, which shall include, as a minimum, a description of the manner in which the State educational agency proposes (1) to use the funds provided under this Act and funds from sources within the State to furnish a free lunch to every needy child in accordance with the provisions of section 9; (2) to include every school within the State in the operation of the national school lunch program by the start of the school year 1972-1973; and (3) to use the funds provided under section 13 of this Act and section 4 of the Child Nutrition Act of 1966 and funds from sources within the State to the maximum extent practicable to reach needy children. Each school participating in the national school lunch program shall be required to report monthly to its State educational agency the average number of children in the school who actually received free lunches each school day during the prior month, the number of children in the school who were eligible for free lunches, the average number of children in the school who actually received reduced price lunches each school day during the prior month and the number of children in the school who were eligible for reduced price lunches."

Mr. McGOVERN. Mr. President, I also ask unanimous consent that an explanation entitled "Explanation of School Lunch and Child Nutrition Amendments" be printed in the RECORD following the amendments themselves.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

EXPLANATION OF SCHOOL LUNCH AND CHILD NUTRITION AMENDMENTS

The Committee on Agriculture and Forestry has reported S. 2548 designed to improve Federal child feeding programs that provide lunch and breakfast in schools. The bill contains many changes in the existing laws—the National School Lunch Act and the Child Nutrition Act of 1966—that should enable the Department of Agriculture to operate child feeding programs more effectively to reach more needy children.

The bill as it stands, however, fails to eliminate many of the barriers that prevent this country from assuring lunch to every school child from a low-income family and assuring easier access to other food services.

The recent White House Conference on Food, Nutrition and Health supported a nationwide free lunch program for the poor as a basic step to ending poverty-related hunger and malnutrition. President Nixon has agreed to try to achieve this goal by Thanksgiving 1970. To assure that this goal can be met and to make the National School Lunch and Child Nutrition programs more responsive to the needs of poor children, the following five amendments will be offered during debate by a bi-partisan coalition of Senators:

AMENDMENT NO. 508—MINIMUM ELIGIBILITY STANDARD AND DEFINITION OF REDUCED PRICE

(a) Amendment No. 508 would set uniform eligibility standards under the National School Lunch Act to assure that all children from poor families receive free meals. All

pupils from households eligible to receive food stamps or commodities or from families of four with an annual income of \$4,000 or less (or the equivalent for households of other sizes) would be eligible. The amendment would also apply to schools which receive cash or commodity support of their school lunch program. To satisfy the income tests and secure lunch, a child's father or mother or other adult household member would fill out an affidavit in a form prescribed by the Secretary of Agriculture attesting to the family's income.

Eligibility is currently left by statute and the Department of Agriculture to the discretion of individual school principals. A few school districts have adopted uniform family income guidelines and some rely on welfare eligibility, but most permit arbitrary denial of lunch to the needy in the absence of any clear dividing line. Although Department of Agriculture regulations require public announcement of a school's eligibility policy, many areas ignore this requirement and others make it plain only that the principal's word governs. Numerous schools deter applicants with lengthy, insulting and degrading questionnaires or home visits.

The amendment would clarify eligibility for all schools. Children and parents would know precisely where they stood. Yet, within the minimum standards set, state and local school districts would still make the determination of eligibility.

Of equal importance, school boards, state legislatures, and the Congress could readily calculate the cost of feeding the poor, district by district. This would furnish a much needed yardstick for measuring the adequacy of budgetary requests. The problem of providing the funding essential to do the job involves revising the authorization levels (see Amendment 510).

These changes would make eligibility determination uniform in the major Federal food assistance programs. The \$4,000 was approved by the Senate in September and has been established by the Administration as the appropriate test for participation in the food stamp program, as was self-certification.

(b) Amendment #508 would also specify that the price to the child of a "reduced price" meal could not exceed 20 cents. Children from families above the \$4,000 level, but with insufficient resources to pay the full 35¢ or 40¢ usually charged, would still have a right to receive such reduced price lunches under criteria established by the states and schools. At present, no regulation or statute governs the price of such a lunch.

The purpose of a reduced price lunch is to bring a meal to a child who could not afford a meal at the regular price. The current lack of a definition thwarts this purpose and penalizes school districts that provide meals at a truly reduced price by allowing districts that serve reduced price meals at a trivial reduction that would equal the cost of a regular price meal in other districts to claim the larger reimbursement due a free or reduced price meal. Thus, the money reserve for free and reduced price meals is unfairly depleted at the expense of schools doing the best job—it is apparent that a uniform definition is needed.

A respected study has shown that the lower the price, the higher the number of pupils who buy the school lunch. In two schools where the price was 20¢, participation was 100%. At 25¢ participation drops to near 80% and at 30¢ it falls sharply to between 27 and 37%. Though this study was conducted over two years ago, it is even more valid today since the price of school lunches has unnecessarily increased since then.

AMENDMENT NO. 512—STATE PLANS AND ALLOCATION OF FUNDS

(a) Amendment #512 would allocate the funds available for section 11 special as-

sistance to the states to meet the need for free and reduced price lunches according to the relative number of school children in a state who require free lunch, that is, children who are from households with an income equivalent to \$4,000 or less for a family of 4. S. 2548 as reported already proposes to change the old allocation formula to focus on a \$3,000 income factor. Amendment # 508 makes \$4,000 the relevant income figure. The new formula also comports with the distribution for Title I ESEA funds.

(b) Amendment #512 would also permit the Secretary of Agriculture to aid schools that could not otherwise afford to meet the demands of their pupils for free lunches (particularly schools in economically depressed areas where most children are eligible) by reimbursing them for the entire cost, including labor, of putting the meal on the table. The Committee bill sets 80% as the cut-off figure for operating costs but heavy reliance on Title I ESEA education money to finance lunch service in the South indicates that the need for Federal assistance in some impoverished areas is total. Even 20% matching money may not be available locally, particularly where poverty is severest and the importance of serving lunch therefore, the greatest.

(b) Finally, under Amendment #512, each state would be required to file an annual state plan of child nutrition operations stating first, the state's proposed use of available monies to serve free lunches to all eligible pupils; second, the state's attempt to bring every school within the state into the national school lunch program by September 1972 (less than 15,000 schools should be outstanding by June 1970), and third, the state's emphasis upon the needy in its allocation of breakfast and nonschool food service funds. Failure to file would prevent further receipt of Federal cash or donated foodstuffs, but failure to fulfill any of the plan's objectives would not necessarily jeopardize continued Federal aid.

This requirement is neither onerous nor novel and would focus the states' attention on meeting feeding priorities and inhibit them from misallocating food service funds, a practice which has been widespread in past years. A more detailed state plan is required of school systems under Title I of ESEA and similar Federal aid to education laws.

The Committee bill itself calls for an undefined state plan of operation as a prerequisite to transferring funds from one program to another (e.g., breakfast to equipment). Recent evidence that, in fiscal 1969, many states utilized special section 32 funds to bolster their ongoing lunch program for all children instead of to further the Congressional purpose of feeding the needy indicates that more strict state accountability is essential.

(d) Locally, the same built-in monitoring effect would be achieved by having each district render periodic reports on the gap between the number of children eligible for free and reduced price lunches and those receiving them.

AMENDMENT NO. 510—AUTHORIZATIONS AND FUNDING

The Administration has set as its goal the provision of free and reduced price lunch for every child from a low-income family by Thanksgiving 1970. To achieve this goal, there must be a substantial increase in Federal, state, and local resources available for school lunch. While the Committee bill provides for an increased state contribution, none is required for fiscal 1971 and the increase in fiscal 1972 would total less than \$5 million nationwide. But the Committee, while recognizing that "greatly increased appropriations will be necessary," deleted the Federal authorization levels proposed in S. 2548 and provided an open-ended author-

The Committee itself at page 18 of its report on S. 2548 set \$712.8 million as the total required to feed lunch to 6.6 million needy children (at 60 cents a lunch, 180 days a year). Even if there is a 10% reduction for normal absenteeism, the total still exceeds \$640 million. In fiscal 1971 the Federal government expects to spend approximately \$300 million in cash grants and commodities through formal school lunch program assistance to furnish lunch to needy school children. State and local aid may approach \$100 million. The combined Federal-state-local support level of \$475 million would leave a *minimum* deficit of \$240 million. However, this figure ignores both rising costs and Bureau of Census data placing the number of needy children in school at 8.4 million pupils.

Amendment #510 would obviate much of this problem by authorizing fiscal 1971 appropriations of \$250 million through section 11 special assistance. This would constitute an increase of \$206 million over the Administration's \$44 million request for their child nutrition budget line item. The new section 11 authorization would therefore provide all but about \$36 million of funds needed to provide free and reduced price lunch to 6.6 million needy children in fiscal year 1971.

The \$300 million and \$350 million sums authorized for fiscal years 1972 and 1973, respectively, would enable lunch service to reach the more generous Census count of 8.4 million poor children assuming an average rise in the cost of lunch, with State and local cooperation. If no or inadequate target figures are inserted, the performance of the Executive Branch in fulfilling its commitments would be less easy to measure.

Appendix A contains a detailed analysis of the budgetary needs.

AMENDMENT NO. 509—UTILIZATION OF PRIVATE FOOD COMPANIES

The Department has informed the state school lunch directors that it is in the process of revising its long-standing regulations that now deter schools from seeking help from food service concerns in providing meals. Such assistance is particularly necessary where a lack or inadequacy of equipment in the schools means children are denied meals. The revision is expected to be in effect as of April 1. The Agriculture Committee has expressed its support of this change in policy.

Amendment No. 509 would furnish a specific statutory framework for such programs. The companies would have to furnish nutritious Type A meals and be subject to all appropriate controls.

AMENDMENT NO. 511—SCHOOL BREAKFAST

The Committee bill amends the language governing eligibility for free or reduced price breakfasts to comport with the Committee's test for lunch, but otherwise makes no substantial changes in the breakfast program.

There is ample evidence of the nutritional value of breakfast in promoting learning, the limited size of the Department's present efforts (205,000 children participated on the average day in fiscal 1969 in 2,900 schools, which was up only 37,000 from 1968), and the reluctance of states and schools to finance the difference between food costs and the served cost of the meal.

To place increased emphasis on supplying breakfasts and undertake a campaign to bring more schools into the program, Amendment No. 511 would delete the limitation on Federal assistance and increase the available authorization to \$25 million in fiscal 1971 (the program is authorized only through that year), \$50 million in fiscal 1972 and \$75 million in fiscal 1973. By 1973 over 3 million needy children could be receiving free breakfasts each school day or six times the number projected for fiscal 1971.

The apportionment formula would also be revised to direct the funds to the states

with the greatest need. Finally, as would be the case with lunch under Amendment No. 512, the Federal government would be empowered to pay for the full cost of breakfast in the neediest schools.

APPENDIX A

FREE SCHOOL LUNCH: THE BUDGET GAP

The cost of providing a free lunch throughout the school year depends on three factors: the number of poor children to be reached, the average cost of a lunch, and the annual number of lunches per pupil:

(1) There are two estimates in vogue of the number of school children from low-income families who require free lunches. USDA sets the figure at 6.6 million, by derivation from a study by the American School Food Service Association. Analysis, of the Bureau of the Census' 1968 poverty data released in December, 1969 reveals that at least 7.8 and perhaps 8.4 million children between the ages of 5 and 17 lived in 1968 in families with annual incomes less than \$3,600 for a family of four or the equivalent. Given the \$4,000 eligibility test contained in the coalition amendments, coupled with the 3% annual decline in poverty, 8.4 million may be the most realistic target figure.

(2) The normal school year runs 175 to 180 days, but a 10% absenteeism rate is antipatible, making 162 lunches per pupil per year a reasonable goal.

If 6.6 million needy children, then the total cost of furnishing free lunch in fiscal 1971 = \$640 million (60c × 162 × 6.6 million).

If 8.4 million needy children, then cost = \$817 million (60c × 162 × 8.4 million).

[All figures in thousands]

Total cost.....	\$640.0	\$817.0
Funding sources (funding year 1971):		
I. USDA.....	297.6	297.6
(a) Sec. 11.....	44.0	44.0
(b) Sec. 32.....	4.3	4.3
(c) Special sec 32.....	151.7	151.7
(d) Sec. 41.....	25.5	25.5
(e) Donated commodities ²	72.1	72.1
II. States ³	75.0	7.50
III. Local ⁴	25.0	25.0
Total funding.....	397.6	397.6
Cost-funding Gap.....	242.4	419.4
Proposed increase in fiscal year 1971 authorization.....	206.0	206.0
Gap increase program deficit.....	36.4	213.4

¹ USDA estimates that approximately 15 percent of all sec. 4 funds will be applied to reimburse schools for serving free or reduced price lunches because 15 percent of all lunches receiving the across-the-board 5-cent reimbursement have been served free or at a reduced price. Sec. 4 is allocated \$169,700,000 in fiscal year 1971, meaning that 15 percent of that sum is includible under anticipated free lunch expenditures.

² 1,100,000 of the 18,900,000 children whose lunches will be federally aided exclusively under the sec. 4 portion of the lunch program will be needy children receiving free or reduced price lunches in nonneedy schools. The additional 55 cents for their lunches (less commodities donated) will come from state or local contributions or the payments made by middle-class children, rather than from Federal funds. Those children constitute 5.9 percent of the sec. 4 children and will, accordingly, consume approximately 200,000,000 lunches during fiscal year 1971 (5.9 percent of the 3,394,000,000 sec. 4 lunches). 1,000,000 free or reduced price lunches are expected under the special assistance for lunch provisions.

Thus, free or reduced price lunches would constitute 1,200,000,000 or 27.3 percent of the 4,394,000,000 total number of all school lunches served under the national program in fiscal year 1971. Since the school lunch commodity budget for fiscal year 1971 is set at \$264,500,000, some \$72,100,000 of that cost would be attributable to free or reduced price lunches, or the appropriate assumption that, in a given State, commodities are divided equally among the lunches served.

³ The Senate Agriculture Committee reports that, in fiscal 1968, \$63,600,000 was contributed from State tax revenues for the school lunch program. Approximately ¾ of that sum or \$45,000,000 was directed to supporting free or reduced price lunches. By fiscal 1971, an additional \$30,000,000 in State funds will be devoted to that purpose, including \$10,000,000 in New York, \$5,400,000 in Illinois, \$6,000,000 in California, \$2,000,000 in Maryland, and assorted sums elsewhere.

⁴ Although no accurate compilation of local support for free or reduced price lunches exists, \$25,000,000 by fiscal year 1971 is the best available estimate. New York City contributes over

\$10,000,000; Atlanta \$750,000; Baltimore \$500,000; San Francisco \$330,000; Detroit \$400,000; the District of Columbia \$2,850,000 and many other cities make or will be making substantial inputs.

⁵ The non-USDA free lunch programs include:

Headstart.....	\$40 to \$48.
Johnson-O'Malley.....	\$2.
ESEA, title I.....	\$25 to \$30.
Migrant education.....	\$3.1.
Handicapped and delinquent children.....	\$0.2.
Follow through.....	\$3.

The fiscal year 1971 program deficit for the 6.6 million count would easily be covered by the funds now spent for free lunches under non-Department of Agriculture-operated programs. Those programs currently yield in the neighborhood of \$75 to 90 million annually (including some lunches for 3 to 4-year olds). 5/ (above)

The fiscal 1971 program deficit for the 8.4 million count would be in the \$125-140 million range, after taking those other feeding programs into account. The deficit would, of course, be further reduced, although not entirely, by the overflow from payments by middle-class children, a sum which is not capable of estimation. In all likelihood, 8.4 million children could not be adequately served until the Section 11 increase for fiscal 1973 were fully funded.

Mr. JAVITS. Mr. President, I have joined with the Senator from South Dakota (Mr. McGOVERN), the chairman of the Select Committee on Nutrition and Human Needs, on which I serve as the ranking minority member, and seven other Senators, in the introduction of certain amendments to S. 2548.

I think that this measure, of which Senator TALMADGE was the principal author, provides a good base on which to proceed. I believe that any contribution we may make with our amendments is only designed to strengthen and fortify what I already consider to be a significant and creative contribution in the critically important field of child nutrition.

I send to the desk, for printing, under the rule, two amendments on behalf of myself, Senators COOK, HART, KENNEDY, MONDALE, McGOVERN, PELL, PERCY, and YARBOROUGH.

The first amendment, No. 508, would set uniform minimum eligibility standards so that children from households of four which either (a) have an annual income less than or equivalent to \$4,000 or (b) are eligible to participate in the Federal food stamp or commodity distribution program, would receive free meals.

The second amendment, No. 509, would provide a statutory framework for the utilization of private food service concerns in child feeding programs.

I ask unanimous consent that the amendments be printed under the rule.

The PRESIDING OFFICER. Without objection, the amendments will be received and printed, and will lie on the table.

Mr. JAVITS. Mr. President, I conclude my brief statement by calling attention to the fact that there is a definite recognition in the Nation of a need for constructive action in providing food to our hungry children. It is our hope, that the five amendments just introduced, will fortify, strengthen, and improve, an already good bill, S. 2548.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. McGOVERN. Mr. President, I just want to take a moment to commend the

Senator from New York for the leadership he has demonstrated from the very beginning on the problems of hunger and malnutrition in the United States. He has been a principal architect of these amendments that have just been offered.

One of the great sources of satisfaction to those of us working on this select committee is the persistent bipartisan spirit in which that committee has conducted its business from the very beginning and a major share of the credit for that constructive spirit is due the senior Senator from New York, the ranking minority member of the committee. I especially commend him for his leadership earlier this week in bringing about the extension of the committee for another year, so that we can continue the important unfinished business of that committee. I commend him again today for his leadership and imagination in this important work.

Mr. JAVITS. I am very grateful to my colleague.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I send to the desk a unanimous-consent agreement which I think has been cleared all the way around and I ask for its immediate consideration.

The PRESIDING OFFICER. The proposed unanimous-consent agreement will be stated.

The legislative clerk read as follows:

Ordered, That, effective on Monday, February 23, 1970, during the further consideration of the bill S2548, the school lunch bill, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 1½ hours, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader, and 1 hour on each amendment to an amendment: *Provided*, That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 3 hours, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided*, That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. MANSFIELD. Mr. President, if I may add to that agreement, I ask that all amendments at the desk be considered germane.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I understood the end of that agreement to mean 3 hours on the bill may be available at any time before third reading as well as after third reading.

The PRESIDING OFFICER. I believe that is in the agreement.

Mr. JAVITS. Yes.

The PRESIDING OFFICER (Mr. SPONG in the chair). The Senator from Virginia suggests the absence of a quorum, and the clerk will call the roll.

The bill clerk proceeded to call the roll.
Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the unanimous-consent agreement which has been read by the clerk? The Chair hears no objection, and it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business may be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL MONDAY, FEBRUARY 23, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, the distinguished Senator from North Dakota (Mr. BURDICK) will deliver Washington's Farewell Address immediately after the reading of the prayer on Monday. Immediately after the address is concluded the Senate will go into legislative session to consider the business which will be pending at that time which, of course, will be the business which is pending now.

It is my intention to notify every Democratic Senator by telegram that there will be business and very likely votes on Monday, and ask them to be here.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. I wish to say to the distinguished majority leader that Republican Senators will be likewise notified.

Mr. MANSFIELD. Fine.

ORDER FOR ADJOURNMENT FROM MONDAY NEXT UNTIL TUESDAY, FEBRUARY 24, 1970, AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the business of the Senate on Monday next, the Senate stand in adjournment until 10 a.m. on Tuesday morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS BY THE VICE PRESIDENT

INTERPARLIAMENTARY UNION MEETING

The PRESIDING OFFICER (Mr. SPONG in the chair). The Chair, on behalf of the Vice President, pursuant to title 22, United States Code, section 276, appoints the following Senators to attend the Interparliamentary Union Meeting, Monaco, March 30, to April 4, 1970:

Senator SPARKMAN, chairman; and Senators JORDAN of North Carolina, DODD, BAYH, HOLLINGS, SCOTT, JORDAN of Idaho, and MATHIAS.

MEXICO-UNITED STATES INTERPARLIAMENTARY CONFERENCE

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 86-420, appoints the following Senators to attend the 10th Mexico-United States Interparliamentary Conference, Washington, D.C., and San Francisco, Calif., May 4 to May 10, 1970:

Senator MANSFIELD, chairman; and Senators BIBLE, RANDOLPH, MCGEE, INOUE, HARRIS, MONTOYA, AIKEN, COOPER, GOLDWATER, MURPHY, and FANNIN.

CANADA-UNITED STATES INTERPARLIAMENTARY CONFERENCE

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 86-420, appoints the following Senators to attend the 13th Canada-United States Interparliamentary Conference, Washington, D.C., March 10 to March 15, 1970:

Senator CHURCH, chairman, and Senators SPARKMAN, YARBOROUGH, MUSKIE, BURDICK, SPONG, GRAVEL; alternate, Senator MANSFIELD; and Senators AIKEN, WILLIAMS, GRIFFIN, HANSEN, and STEVENS.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BEAVERHEAD ROCK

Mr. MANSFIELD. Mr. President, as we in the Senate have come to realize, the issue of our environment has become one of the most prominent and difficult issues we have before us today. The concern expressed has been generated by the sincere desire to preserve the natural state of our land and protect against abnormal pollution of our air and water. Much of the current discussion revolves around some rather large issues. Occasionally, this concern is directed at what may seem to be a less complex and smaller item.

Just several weeks ago a number of people in Montana became quite anxious about the future of an historic landmark on the Lewis and Clark Trail, Beaverhead Rock, also known as the Point of Rocks, has considerable significance in the history of the Lewis and Clark expedition. Historians and residents of western Montana have known that this rock was in this location, but little effort was made to give it the historic status that it deserves. The rock is on private property. Only when development of a rock quarry threatened the landmark did a movement begin to protect Beaverhead Rock. Since the landmark was located on private property, an appropriate exchange or purchase must be negotiated. The Montana Historical Society and other individuals and historical groups are attempting to develop plans for preservation of this site. I have been in contact with Federal agencies regarding land exchanges and development by the National Park Service. Also, I have been in contact with the owner, Norman Ashcraft, of Twin Bridges, who indicates a real understanding, a deep concern, and a willingness to cooperate.

Beaverhead Rock in the Madison country, has been entered into the National Register of Historic Places by the National Park Service. It is my hope that this agency will be able to offer some constructive assistance in protecting this historic place.

Mr. President, I ask unanimous consent to have a series of articles and correspondence printed at the conclusion of my remarks. These documents give historic background information and the present status of this effort.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HISTORIC POINT THREATENED BY BLASTING FOR RIP-RAP ROCK

(By Warren N. Reichman)

Another one of Madison county's historical landmarks is being threatened with oblivion, it was learned at The Madisonian office this week.

The stoney face of Beaverhead Rock, between Twin Bridges and Dillon, is being blasted and the rock used for rip-rapping of the river and canals in the area.

The part that Beaverhead Rock has played in Montana history is known to every school child that has had the good fortune to read any Montana history. (Some school kids tell me Montana history is no longer taught in schools.)

Sacajewea, the Indian woman who guided the Lewis and Clark Expedition from the mouth of the Missouri River to the Rockies, kept looking for this Rock, which from a distance appears to be the head of a swimming beaver, during the entire trip. Although she had been kidnapped from her tribe when but a child, she distinctly remembered the Beaverhead Rock and knew that when she found it, she would be back home again.

Lewis and Clark's Expedition Journals describe the promontory in detail and when they arrived here, they were able to contact Sacajewea's tribe, the Shoeshones, and secure horses with which to cross the Continental Divide.

Capt. Lewis carved his name on the face of Beaverhead Rock. This monument was destroyed many years ago, when a rancher blasted away part of the rock in order to take an irrigation canal out of the river there.

91ST CONGRESS
2D SESSION

S. 2548

IN THE SENATE OF THE UNITED STATES

FEBRUARY 20, 1970

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. JAVITS (for himself, Mr. COOK, Mr. HART, Mr. KENNEDY, Mr. MCGOVERN, Mr. MONDALE, Mr. PELL, Mr. PERCY, and Mr. YARBOROUGH) to S. 2548, a bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such Acts, viz:

1 On page 21, between lines 8 and 9, insert the following:

2 “SEC. 6. (a) The second sentence of section 9 of the
3 National School Lunch Act (42 U.S.C. 1751 (a)) is
4 amended by inserting ‘not exceeding 20 cents per meal’ im-
5 mediately after ‘or at a reduced cost.’”

6 On page 21, line 9, strike out “SEC. 6. (a) ” and insert
7 in lieu thereof “(b) ”.

1 On page 21, line 18, strike out the period and insert in
2 lien thereof a semicolon and the following: "but any child
3 who is a member of a household which (1) is eligible to
4 participate in a Federal food stamp program or commodity
5 distribution program or (2) has an annual income equiva-
6 lent to \$4,000 or less for a household of four persons shall
7 be served meals without cost. Determination with respect to
8 the annual income of any household shall be made solely on
9 the basis of an affidavit executed in such form as the
10 Secretary may prescribe by an adult member of such house-
11 hold."

12 On page 22, line 20, immediately after the period insert
13 the following: "The requirements of this section relating to
14 the service of meals without cost or at a reduced cost shall
15 apply to the lunch program of any school utilizing com-
16 modities donated under any of the provisions of law referred
17 to in the preceding sentence."

2 3218

Amdt. No. 508

91ST CONGRESS
2^D SESSION

S. 2548

AMENDMENTS

Intended to be proposed by Mr. JAVITS (for himself, Mr. COOK, Mr. HART, Mr. KENNEDY, Mr. MCGOVERN, Mr. MONDALE, Mr. PELL, Mr. PERCY, and Mr. YARBOROUGH) to S. 2548, a bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such Acts.

FEBRUARY 20, 1970

Ordered to lie on the table and to be printed

91ST CONGRESS
2D SESSION

S. 2548

IN THE SENATE OF THE UNITED STATES

FEBRUARY 20, 1970

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AMENDMENT

Intended to be proposed by Mr. JAVITS (for himself, Mr. COOK, Mr. HART, Mr. KENNEDY, Mr. McGOVERN, Mr. MONDALE, Mr. PELL, Mr. PERCY, and Mr. YARBOROUGH) to S. 2548, a bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such Acts, viz:
On page 29, after line 6. insert the following:

1 UTILIZATION OF PRIVATE FOOD SERVICE COMPANIES

2 SEC. 10. The National School Lunch Act is further
3 amended by adding after section 14 (as added by section 9
4 of this Act) a new section as follows:

5 "UTILIZATION OF PRIVATE FOOD SERVICE COMPANIES

6 "SEC. 15. (a) Any school which the Secretary deter-
7 mines lacks or has inadequate food preparation facilities may

1 formulate and carry out under this Act and the Child Nutri-
2 tion Act of 1966 a child feeding program by contracting
3 with private food service concerns for the provision of nutri-
4 tious meals for such school.

5 “(b) The Secretary shall provide food commodities, in-
6 cluding milk, to schools which conduct programs authorized
7 by this section, and such schools shall be entitled to cash
8 benefits authorized under this Act and the Child Nutrition
9 Act of 1966.

10 “(c) The highest nutritional requirements prescribed by
11 the Secretary for lunch and breakfast meals served under this
12 Act and the Child Nutrition Act of 1966, respectively, shall
13 apply in the case of lunch and breakfast meals contracted for
14 by any school under authority of this section.”

Page 5

2548

Page 5

AMENDMENT

2548

Page 5

AMENDMENT

Intended to be proposed by Mr. JAVITS (for himself, Mr. COOK, Mr. HART, Mr. KENNEDY, Mr. MCGOVERN, Mr. MONDALE, Mr. PEIL, Mr. PERCY, and Mr. YARBOURGH) to S. 2548, a bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such Acts.

FEBRUARY 20, 1970

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S. 2548

IN THE SENATE OF THE UNITED STATES

FEBRUARY 20, 1970

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AMENDMENT

Intended to be proposed by Mr. McGOVERN (for himself, Mr. COOK, Mr. HART, Mr. JAVITS, Mr. KENNEDY, Mr. MONDALE, Mr. PELL, Mr. PERCY, and Mr. YAROROUGH) to S. 2548, a bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such Acts, viz: On page 22, line 25, strike everything through line 1 on page 23 and insert in lieu thereof the following:

- 1 “SEC. 11. (a) There is hereby authorized to be appro-
- 2 priated \$250,000,000 for the fiscal year ending June 30,
- 3 1971; \$300,000,000 for the fiscal year ending June 30,
- 4 1972; and \$350,000,000 for the fiscal year ending June 30,
- 5 1973.”

AMENDMENT

Intended to be proposed by Mr. McGovern (for himself, Mr. Cook, Mr. Hart, Mr. Javits, Mr. Kennedy, Mr. Mondale, Mr. Pell, Mr. Percy, and Mr. Yarborough) to S. 2548, a bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such Acts.

FEBRUARY 20, 1970

Ordered to lie on the table and to be printed

Calendar No. 283

91ST CONGRESS
2^D SESSION

S. 2548

IN THE SENATE OF THE UNITED STATES

FEBRUARY 20, 1970

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. McGOVERN (for himself, Mr. COOK, Mr. HART, Mr. JAVITS, Mr. KENNEDY, Mr. MONDALE, Mr. PELL, Mr. PERCY, and Mr. YARBOROUGH) to S. 2548, a bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such Acts, viz: On page 29, after line 6, insert the following:

1 Section 4 of the Child Nutrition Act of 1966 is hereby
2 amended to read as follows:

3 “SCHOOL BREAKFAST PROGRAM AUTHORIZATION

4 “SEC. 4. (a) There is hereby authorized to be appropri-
5 ated for the fiscal year ending June 30, 1971, \$25,000,000;
6 for the fiscal year ending June 30, 1972, \$50,000,000; and

Amdt. No. 511

1 for the fiscal year ending June 30, 1973, \$75,000,000 to en-
2 able schools to initiate, maintain, or expand nonprofit break-
3 fast programs for needy school children.

4 "APPORTIONMENT TO STATES

5 " (b) The Secretary shall apportion the funds appropri-
6 ated pursuant to this section for any fiscal year in accordance
7 with the apportionment formula contained in section 11 of the
8 National School Lunch Act, as amended.

9 "STATE DISBURSEMENT TO SCHOOLS

10 " (c) Funds apportioned and paid to any State for the
11 purpose of this section shall be disbursed by the State edu-
12 cational agency to schools selected by it to assist such schools
13 in financing all or part of the operating costs of the school
14 breakfast program in such schools, including the cost of
15 obtaining, preparing, and serving food. The amounts of
16 funds that each school shall from time to time receive shall be
17 based on the need of the school for assistance in meeting the
18 requirements of subsection (d) concerning the service of
19 breakfasts to children unable to pay the full cost of such
20 breakfasts. In selecting schools for participation in the
21 program, the State educational agency shall give first con-
22 sideration to those schools with high numbers of children
23 from low-income families and to those schools to which a
24 substantial proportion of the children enrolled must travel
25 long distances daily.

1 "NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

2 "(d) Breakfasts served by schools participating in the
3 school breakfast program under this section shall consist of
4 a combination of foods and shall meet minimum nutritional
5 requirements prescribed by the Secretary on the basis of
6 tested nutritional research. Such breakfasts shall be served
7 without cost or at a reduced cost only to children who are
8 determined by local school authorities to be unable to pay the
9 full costs of the breakfast. Such determination shall be made
10 by local school authorities in accordance with a publicly
11 announced policy and plan applied equitably on the basis of
12 criteria which, as a minimum, shall include the level of
13 family income, including welfare grants, the number in the
14 family unit, and the number of children in the family unit
15 attending school or service institutions: *Provided*, That any
16 child who is a member of a household which (a) is eligible
17 to participate in a food stamp or commodity distribution pro-
18 gram, or (b) has an annual income equivalent to or less than
19 \$4,000 for a household of four persons shall be eligible to re-
20 ceive meals without cost. The determinations of such income
21 shall be made solely by execution of an affidavit by the mem-
22 ber of such household. In making such determinations, such
23 local authorities should, to the extent practicable, consult
24 with public welfare and health agencies. No physical segre-
25 gation of or other discrimination against any child shall be

1 made by the school because of his inability to pay, nor shall
2 there be any overt identification of any such child by special
3 tokens or tickets, announced or published lists of names, or
4 other means.

5 "NONPROFIT PRIVATE SCHOOLS

6 "(e) The withholding of funds for and disbursement to
7 nonprofit private schools will be effected in accordance with
8 section 10 of the National School Lunch Act, as amended,
9 exclusive of the matching provisions thereof."

AMENDMENT

Intended to be proposed by Mr. McGovern (for himself, Mr. Cook, Mr. Hart, Mr. Javits, Mr. Kennedy, Mr. Mondale, Mr. Pell, Mr. Percy, and Mr. Yarborough) to S. 2548, a bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such Acts.

FEBRUARY 20, 1970

Ordered to lie on the table and to be printed

Calendar No. 283

91ST CONGRESS
2D SESSION

S. 2548

IN THE SENATE OF THE UNITED STATES

FEBRUARY 20, 1970

Ordered to lie on the table and to be printed

AMENDMENTS

Intended to be proposed by Mr. McGOVERN (for himself, Mr. COOK, Mr. HART, Mr. JAVITS, Mr. KENNEDY, Mr. MONDALE, Mr. PELL, Mr. PERCY, and Mr. YARBOROUGH), to S. 2548, a bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such Acts, viz:

- 1 (1) On page 23, line 20, strike everything after the
- 2 period through the period on page 24, line 2, and insert
- 3 in lieu thereof the following: "The amount apportioned to
- 4 each State shall bear the same ratio to the total of such
- 5 appropriated funds as the number of children attending
- 6 schools in that State from families with incomes equivalent

1 to \$4,000 per year or less for a family of four bears to the
2 total number of such children in all such States.”

3 (2) On page 24, line 11, strike everything through
4 line 22 and insert in lieu thereof the following:

5 “(e) Funds paid to any State for any fiscal year pur-
6 suant to this section shall be disbursed to schools in such
7 State to assist them in financing all or part of the operating
8 costs of the school lunch program in such schools including
9 the costs of obtaining, preparing, and serving food. The
10 amounts of funds that each school shall from time to time
11 receive shall be based on the need of the school for assist-
12 ance in meeting the requirements of section 9 of this Act
13 concerning the service of lunches to children unable to pay
14 the full cost of such lunches.”

15 (3) On page 25, line 3, strike everything through line
16 10 and insert in lieu thereof the following: “same ratio to
17 such funds as the number of children attending such non-
18 profit private schools in such State from families with
19 incomes equivalent to \$4,000 per year or less for a family
20 of four bears to the total number of such children in all the
21 schools, public and private, in such State.”

22 (4) On page 25, line 16, strike everything through line
23 25 and renumber subsection (h) on page 6 as subsection
24 (g).

1 (5) On page 26, between lines 7 and 8, insert the
2 following:

3 “(i) Not later than June 1 of each year, each State edu-
4 cational agency shall submit to the Secretary, for approval
5 by him as a prerequisite to receipt of Federal funds or any
6 commodities donated by the Secretary for use in programs
7 under this Act and the Child Nutrition Act of 1966, a State
8 plan of child nutrition operations for the following fiscal year,
9 which shall include, as a minimum, a description of the man-
10 ner in which the State educational agency proposes (1) to
11 use the funds provided under this Act and funds from sources
12 within the State to furnish a free lunch to every needy child
13 in accordance with the provisions of section 9; (2) to include
14 every school within the State in the operation of the national
15 school lunch program by the start of the school year 1972-
16 1973; and (3) to use the funds provided under section 13 of
17 this Act and section 4 of the Child Nutrition Act of 1966 and
18 funds from sources within the State to the maximum extent
19 practicable to reach needy children. Each school participat-
20 ing in the national school lunch program shall be required to
21 report monthly to its State educational agency the average
22 number of children in the school who actually received free
23 lunches each school day during the prior month, the number
24 of children in the school who were eligible for free lunches,

1 the average number of children in the school who actually
2 received reduced price lunches each school day during the
3 prior month and the number of children in the school who
4 were eligible for reduced price lunches.”

Amdt. No. 512

Calendar No. 283

91ST CONGRESS
2^D SESSION

S. 2548

AMENDMENTS

Intended to be proposed by Mr. McGovern (for himself, Mr. Cook, Mr. Hart, Mr. Javits, Mr. Kennedy, Mr. Mondale, Mr. Pell, Mr. Percy, and Mr. Yarborough) to S. 2548, a bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such Acts.

FEBRUARY 20, 1970

Ordered to lie on the table and to be printed

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of Feb. 20 and 23, 1970
91st-2nd; No. 23 and 24

CONTENTS

Adjourned.....7	Mining.....14	Rural telephone.....4
Crop insurance.....11	Natural resources.....9	School lunch.....1,8,12
Environment.....3,9,10,15	Pollution.....3,9,10,15	Strip mining.....14
Fish.....13	Rural development.....5	User charges.....6
Forestry.....2		

HIGHLIGHTS: Senate passed bill to provide free meals to needy children. Senate began debate on school lunch bill.

SENATE - FEB. 20

1. SCHOOL LUNCH. Passed as reported H. R. 11651, to provide free or reduced-price meals to needy children. pp. S2070-2 Senate conferees were appointed.
Began debate on S. 2548, to strengthen and improve food service programs under the National School Lunch Act and the Child Nutrition Act. pp. S2112-24
2. FORESTRY. Sen. Byrd, W. Va., commended Forest Service plans to begin a research project at the Forestry Sciences Laboratory in Morgantown, W. Va., concerned with breeding high value hardwood trees for Appalachia. p. S2076
3. ENVIRONMENT; POLLUTION. Sen. Griffin discussed the role of the proposed Environmental Financing Authority in the President's pollution control program. p. S2076
Sen. Fong inserted an article which reflects the concern of Hawaiians over pollution. pp. S2083-4

4. RURAL TELEPHONES. Sen. Allen complimented the REA telephone program and stated that today 64% of Alabama's 92,500 farms have telephones, contrasted to 8.2% in 1949. p. S2083
5. RURAL DEVELOPMENT. Sen. Moss inserted an article by former Deputy Undersecretary Sunquist which encourages a redistribution of population to favor rural areas. pp. S2125-7
6. USER CHARGES. By unanimous consent, H. R. 14465, airports and airways bill, was recommitted to the Commerce Committee with instructions to report back a bill combining the provisions of S. 3108, the Senate related bill, plus the provisions of H. R. 14465, as both were originally reported to the Senate. p. S2131
7. ADJOURNED until Mon., Feb. 23. p. S2131

SENATE - FEB. 23

8. SCHOOL LUNCH. Continued debate on S. 2548, to strengthen and improve the food service programs under the National School Lunch Act, adopting amendments by Sen. McGovern to change the formula for apportioning funds, and to increase funds for expanded nonprofit breakfast program. pp. S2174-2203

9. ENVIRONMENT; POLLUTION. Sen. Moss advocated the creation of a Department of Natural Resources and Environment. pp. S2158-9

Sen. Mondale inserted Sen. Nelson's magazine article, "National Teach-In on the Crisis of the Environment." pp. S2157-8

Sen. Tydings noted the effort of his home state in the area of environmental quality, and inserted a state bill designed to protect the environment of Chesapeake Bay. pp. S2168-71

HOUSE - FEB. 23

10. ENVIRONMENT; POLLUTION. Rep. Poff commended the President's proposals which would "put teeth" in the enforcement of pollution controls. pp. H1151-2
11. FEDERAL CROP INSURANCE. Received from this Department a letter transmitting the annual report of the operations of the Federal Crop Insurance Corporation, pursuant to the provisions of the Federal Crop Insurance Act. to Agriculture Committee. p. H1156

SENATE - FEB. 23, cont'd

12. SCHOOL LUNCH. Sen. Mondale submitted and discussed an amendment he intends to propose to S. 2548, to improve the special food service program for children. pp. S2150-2

EXTENSION OF REMARKS

13. FISH. Speech in the House by Rep. Vander Jagt in support of legislation to amend and extend the Anadromous Fish Conservation Act of 1965. p. E1173

portions. Public confidence, which is so essential to that institution's effective operation, is at an all-time low.

In the early 18th century, Thomas Hobbes proclaimed: "Freedom is political power divided into small fragments."

In recognition of the truth of this profound principle, our Founding Fathers prudently established a government with three branches: the legislative, the executive, and the judicial. They drafted a Constitution to serve for all ages as the nation's basic instrument of government.

The power to interpret the Constitution is an awesome one, and the Founding Fathers attempted in the following manner to ensure that the role of the Supreme Court would be in practice what they dreamed on paper.

They decreed that Supreme Court Justices should be chosen carefully, and their overall aim was to make Supreme Court Justices independent of everything except the Constitution and require them to accept that instrument as the sole rule for the government of their official actions.

With the advent of the Warren Court and judicial activism, there came about a practice whereby the Supreme Court handed down decisions irreconcilable with the Constitution.

The tragic truth is that under the guise of interpreting it, the Warren Court repeatedly assigned to the Constitution meanings incompatible with its language and history.

It is obvious to those who love the Constitution and are willing to face naked reality that the Warren Court took giant strides down the road of usurpation, and that if the course set by it is not reversed, the dream of the Founding Fathers will vanish and the most precious liberty of the people—the right to Constitutional government—will perish.

Despite its perilous state, the dream of the Founding Fathers can be rekindled and the precious right of the people to Constitutional government can be preserved if those who possess the power will stretch forth saving hands while there is yet time.

Who are they that possess this saving power?

They are Supreme Court Justices who are able and willing to exercise self-restraint and make the Constitution the rule for government of their actions; Presidents who will nominate for membership on the Court persons who are able and willing to exercise self-restraint, and Senators who will reject those nominees who are either unable or unwilling to do so.

When all is said and done, the Supreme Court Justices should curb their own powers and the citizens should be on guard to demand judicial restraint.

(By SENATOR HUGH SCOTT)

The Supreme Court has had a massive impact on the history of our nation. It is a powerful branch and under our Constitution, perhaps the branch least susceptible to its intricate network of checks and balances. Unlike the Presidency or the Congress, it is not obligated to respond to quickly changing American public opinion.

The Court has made decisions which have been greatly unpopular with large segments of our nation. I have personally disagreed with many decisions.

But the powers of the Court should not be curbed by any other method than is presently available. The Constitution has provided ways to balance the powers of the Court. The President can change its complexion, with the Advice and Consent of the Senate, by his choice of nominees. The Court has been out of balance in recent years. I favor the nomination and confirmation of a "strict constructionist"—a man who will read the Constitution as it is, and not as he would like it to be.

Another way to guide the direction of the Court without curbing its powers is by a Constitutional amendment. This is a difficult method, requiring the consent of two-thirds of each House, and ratification of the states; but nevertheless, the protection against unwise or unwarranted decisions is there. We may soon see the exercise of this method by enacting a Constitutional amendment permitting prayer in our public schools, which the Supreme Court saw fit to forbid.

Today, many want to make inroads on its power, and somehow make it more "conservative." President Franklin Roosevelt, on the other hand, only three decades ago wanted to "pack" the Court to make it see a more "liberal" light.

Depending upon the time and mood of the Court, a "strict constructionist" can be a "liberal" or he can be a "conservative." Likewise an "activist," one who sees the Constitution as a living document needing constant change and interpretation, can either be a "liberal" or a "conservative."

Thus, the present ideology of the Court or the present ideology of the country should not be allowed to pressure any change in the Court's basic structure and authority. The very ability to make unpopular decisions protects our federal system. Both ideologies have a way of changing, without any drastic and unprecedented step of curbing the Court's powers.

It would be unwise to tamper with the present powers granted the Court. Sometimes the Court has pulled ahead of the Executive and Legislative Branches, sometimes it has lagged behind. But over the years it has provided a necessary balance. Our intricate and delicate system of checks and balances must not be sacrificed to short-term views and public opinion polls.

OIL IMPORT POLICY

Mr. HANSEN. Mr. President, during my recent teach-in or preach-in on oil import policy and the dangers inherent in becoming dependent on unreliable and unstable foreign sources, I and other Senators have repeatedly called attention to the unstable and explosive situation in the Middle East and North Africa. An Associated Press article entitled "Libya Would Cut Oil if Nasser Asks," published in today's Washington Post, is further proof of just how insecure and undependable those sources could be for any appreciable supply of vital U.S. oil needs.

I am pleased to note that the President has refused to approve, without further study and congressional hearings, a task force recommendation that would have substantially increased imports from those areas.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LIBYA WOULD CUT OIL IF NASSER ASKS

DAMASCUS, SYRIA, February 22.—Libya's revolutionary leader, Col. Muammar Qadhafi, Col. Muammar Qadhafi, said today he would be willing to cut off Libya's vast oil shipments to the West if Egypt's President Nasser asked him to do so for the Palestine cause.

Qadhafi was speaking Tripoli at his first press conference since he took over power last September. The conference was broadcast by Tripoli radio.

The colonel was asked whether Libya was willing to stop the oil flow to the West and

move against vast American oil investments in his country if asked to do so by the Egyptian leader or other countries bordering Israel.

"We are always prepared to sacrifice all our resources for the sake of the common cause in Palestine," he replied.

Asked his opinion on the spate of attacks by Palestinian guerrillas on civilian aircraft and passengers, he replied:

"Attacks on civilian targets are generally inhuman. But Israel has attacked civilian targets in Arab countries. . . . Therefore we cannot hold the guerrillas to blame for attacking civilian targets."

Qadhafi said the close cooperation among Libya, Egypt and Sudan was a prelude to a federation of the three countries. But he denied reports that Egyptian troops were stationed in his country.

He answered sharply when asked whether the Mirage jets that Libya has bought from France might be made available to Egypt for use against Israel.

"I believe the motive for this question is America's fear regarding the protection of Israel," Qadhafi said. "Since Israel has expansion plans covering the whole Arab world which could one day extend to Libya, then Libyan Mirages may well be used against Israel, even if they are not made available to Egypt."

MRS. ALBERT GIZZARELLI, RHODE ISLAND'S MOTHER OF THE YEAR

Mr. PELL. Mr. President, recently Mrs. Albert Gizzarelli, Rhode Island's Mother of the Year, gave the parents of my State some advice which I believe should have wider circulation.

Mrs. Gizzarelli is the mother of four, and twice a grandmother, so we can be assured she speaks from experience. Her 10 commandments for parents, emphasizing that parents and children should respect one another, deserves serious consideration by all of us.

She also has some thoughts about our priorities as a nation, believing we should take care of the problems in our "homes, backyards, and cities" first.

Mr. President, I ask unanimous consent that an article about Mrs. Gizzarelli and her ideas, published in the Providence Evening Bulletin, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MOTHER OF YEAR'S 10 COMMANDMENTS

(By George Popkin)

The Rhode Island State Mother of 1969 did not want her term to end without issuing a series of what diplomats would call white papers on national priorities, juvenile delinquency and the American home.

So, Mrs. Albert Gizzarelli of 665 Pleasant View Parkway turned up in the office of Atty. Gen. Herbert F. DeSimone with her typewritten thoughts, including 10 commandments for parents.

She did not get top billing from the Rhode Island State Mother Association for nothing.

But Mrs. Gizzarelli is more than an excellent seamstress, baker of cookies, bread and pizza, volunteer worker for charity, and a devoted homemaker. The tiny, dark-haired, cheerful mother of four, twice a grandmother, is concerned.

Mrs. Gizzarelli has been giving talks to senior citizens, church groups and the like since her titled existence began. She knows that once you're an ex-Mother of the Year, your audience evaporates. Her term ends May 1.

Her year as Rhode Island state mother, she said, "has been much like a beautiful mosaic, made up of many pieces. Some of the pieces are more shining and perhaps more outstanding, but all put together they make a lovely memory."

Then she turned her attention to "Mom and Dad" in a statement especially dedicated to mothers and fathers. Declared Mrs. Gizzarelli:

"We seem to have misplaced our sense of values. Self-indulgence and the principle of pleasure before duty have become a phenomenon. When young people without discipline and moral standards implanted by a stable home are thrust upon society, they react by flouting established traditions, customs and authority."

"Therefore, the first and last hope for a correction of this condition is the home. The home should be a place where discipline, tempered with love, is a habit. The proper use of discipline demands respect, and respect taught in the home extends outside the home. Let there be no mistake, an undisciplined child cannot help being maladjusted."

At another point in her dissertation, Mrs. Gizzarelli warned, "If you are permissive parents, expect trouble. Dropouts and criminals are often determined in the high chair. Ninety-five per cent of the prison inmates are dropouts."

Hard on parents, Mrs. Gizzarelli said young people are being blamed for things out of their control. "Drugs and alcohol," she observed, "are neither manufactured nor distributed by youth. Teenagers are not responsible for the rising rate of divorce. They do not elect public officials, appoint judges, or make laws."

Mrs. Gizzarelli thinks we should stop exploring the moon and solve the problems of this planet.

She said: "As long as blood still flows in Vietnam or cannon fire is heard on the Arab-Israeli border, as long as the starving drop in the gutters of Biafra, while the mentally ill are unrecognized and untreated, while gang wars erupt, there will be time to reach all celestial bodies."

America, she advised, should concentrate on righting its own "homes, backyards and cities" and dispelling crime, racism, cancer and poverty before hurling astronauts into space.

Mrs. Gizzarelli listed her 10 commandments for parents as follows:

1. Thou shalt accept new ideas with faith and trust in my generation;
2. Thou shalt honor the past and encourage the future;
3. Thou shalt not seek false gods of imagery and materialism;
4. Thou shalt stop, look and listen before passing judgment;
5. Thou shalt see me as one individual, not as a composite of all things you would wish me to be;
6. Thou shalt treat each man as an equal, regardless of his station in life or his skin tone;
7. Thou shalt control and discipline me, for that is an expression of love;
8. Thou shalt understand my world, if I am to respect yours;
9. Thou shalt practice what thou preacheth and;
10. Examine first from within before you can expect results from without.

Mrs. Gizzarelli has done volunteer work for the Rhode Island Heart Association, the Franciscan Missionaries of Mary, Little Sisters of the Poor in Pawtucket, St. Vincent de Paul Church, St. Pius Church and the former Home of Good Shepherd.

Her husband is a plumber and heating contractor.

Mr. and Mrs. Gizzarelli have two married daughters, Mrs. Anthony Nota and Mrs. Richard DiGiacomo; a third daughter, Marilyn Gizzarelli, and a son, Albert, a pre-law student at Providence College.

As Mrs. Gizzarelli looked back at the year of her prominence, now slipping away, she found this consolation. Said she:

"I'll always be the 1969 mother. That will never change."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H.R. 12535. An act to authorize the Secretary of the Army to release certain restrictions on a tract of land heretofore conveyed to the State of Texas in order that such land may be used for the City of El Paso North-South Freeway; and

H.R. 14464. An act to amend the Act of August 12, 1968, to insure that certain facilities constructed under authority of Federal law are designed and constructed to be accessible to the physically handicapped.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS AMENDMENTS

Mr. TALMADGE. Mr. President, I move that the Senate proceed to the consideration of the unfinished business, S. 2548, calendar No. 633.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia.

The motion was agreed to.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. S. 2548, to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such acts.

The Senate proceeded to consider the bill.

PRIVILEGE OF THE FLOOR

Mr. TALMADGE. Mr. President, during further consideration of the pending bill, I ask unanimous consent that Harker T. Stanton, chief counsel of the Committee on Agriculture and Forestry, and my legislative assistant, Michael R. McLeod, may have the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and ask that the time not be charged against either side.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, I yield 30 minutes to the distinguished Senator from South Dakota (Mr. McGovern) on the bill.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 30 minutes.

Mr. McGOVERN. Mr. President, I thank the Senator from Georgia for granting me this time to speak on the bill now pending, of which the distinguished Senator from Georgia is the principal author.

Mr. President, last December President Nixon convened the White House Conference on Food, Nutrition, and Health. Three thousand people, interested in the nutritional health of our Nation, some because they were experts, others because they worked in fields related to nutrition, and a few because they know what it is to be poor and suffer from hunger, met for 3 days in Washington and made no less than 525 separate recommendations to the President.

At the end of the conference, 3,000 delegates unanimously endorsed a priority action program to eliminate hunger in America. That action program called upon President Nixon to declare a national hunger emergency. It endorsed a guaranteed adequate income for all Americans. It called for reform of the food stamp and commodity distribution programs and for prompt House passage of the Senate food stamp bill. Finally, it called for the immediate establishment of a universal, national child feeding program providing free lunch and breakfast to every American school and preschool child.

Let me read from the action statement itself:

IV. UNIVERSAL SCHOOL FOOD PROGRAM

There must be established a national child feeding program which will make available at least two-thirds of the Recommended Dietary Allowance. This is to be accomplished by implementing a free lunch and breakfast program for all pre-school, elementary and secondary school children.

To assure maximum participation in the program, the following steps should be taken:

A. Nutritious food selected shall be consistent with the cultural preferences of the children to be fed.

B. Funds shall be provided to enable schools, child care centers, and other participating groups lacking adequate facilities for food preparation, to obtain such facilities or to devise ways to provide means by other means.

C. Community groups shall be eligible to operate child feeding programs.

D. Local poor residents must be trained for careers in nutritional planning and food preparation for employment in the program.

E. Food provided at the schools shall be available at the choice of the children and their parents.

Mr. President, that is what the White House conference—3,000 strong—recommended to the President, the Congress, and the American people—free lunch and breakfast for every American school and preschool child regardless of family income. But it came to that conclusion, not just after 3 days' discussion in Washington. It did so on the recommendation of one of its panels of experts which studied child nutrition and our child food programs for 4 months. That panel recommended a long-range comprehensive nutrition program for children and youth, the principal feature of which is a universal free lunch program.

Because of the importance of the legislation before the Senate today, I think the recommendations of this panel for a universal free lunch program should be placed in the *RECORD*, and I therefore ask unanimous consent to have printed in the *RECORD* the pertinent passages on pages 381 to 384 of the White House conference report.

There being no objection, the excerpt was ordered to be printed in the *RECORD*, as follows:

LONG RANGE COMPREHENSIVE NUTRITION PROGRAM FOR CHILDREN AND YOUTH

This Panel recommends a universal free school lunch program¹ within the framework of a Comprehensive Nutrition Program for Children and Youth; which would be available not as welfare for the poor but as a right of all children; which would combine the services of the health education, food service and community organization professions; which would operate through the school as a delivery system and which would provide a basic unit of food and nutrition counseling to all children ages three to eighteen who can be reached through institutional feeding. Our goal is an adequate nutrition program provided as a part of the child's total education program.

Congress should declare that it is the national policy that each American child has a right to the nutritional resources that he needs for optimal health and should enact appropriate legislation to guarantee the fulfillment of this right. This basic legislation should:

1. Establish a new Child Nutrition Administration within which all nutrition and food service programs for children would be administered and coordinated.

2. Authorize a comprehensive nutrition program with the school as a delivery system for all children who can be reached through institutional channels, normally ages three to eleven, with food service available by the beginning of the 1972-73 school term in all schools as well as in facilities providing for programs such as child care, nursery school education, and recreation, programs for out-of-school youth, pregnant girls, youth in on-the-job training, etc. The most imaginative development of outreach programs should be contemplated and encouraged, such as the use of facilities in housing projects for feeding school drop-outs, small children, etc.

a. A basic nutritional unit which should be provided without cost to every child would include:

(1) One meal, probably lunch, providing one-third of the RDA.

(2) Nutrition counseling, based on medical examinations and the identification of deficiencies, with the school coordinating the corrective efforts of the physician, the family and the child.

b. Supplemental Nutrition Units should be provided as follows:

(1) Children from families with incomes at or below the poverty level should receive supplementary nutrition units which will provide the total RDA, year-around. An es-

sential part of this program should be a school breakfast providing at least one-third RDA.

(2) In addition to breakfasts which would be provided free in schools with concentrations of poor children, breakfasts should be provided in all other schools on an ability to pay basis as an important feature of an adequate nutrition program.

(3) All children away from home more than six hours should have two meals available, providing two-thirds RDA on an ability to pay basis. As schools develop off-campus educational and work programs for students, the concern for good nutrition should follow the child. Imaginative involvement of other community agencies or of the private sector (e.g. the use of vouchers for meals which could be redeemed at local cafeterias) will be required.

c. Incentive grants should be available to school districts to develop nutrition programs which would offer food at a reasonable cost as a community service: meals for the elderly, evening meals for children of working mothers; family meals to encourage participation in evening school programs, etc.

3. Provide for the financing of the child-nutrition program. At the present time we would recommend 100% Federal financing for all costs except construction. If Federal revenues are shared with the states, then the states should be expected to participate on a matching basis.

4. Establish the conditions for state participation:

a. States should be required to submit by January 1, 1972, a State plan which would:

(1) Describe the status of child nutrition and the state's unmet needs; identify concentrations of children who are high nutrition risks and locate the target schools and centers where these children will be reached.

(2) Project the nutrition and food service program indicating how Federal and State funds will be used to provide a delivery system to meet the otherwise unmet needs of all children, guaranteeing that all schools will have a food service program and showing plans for reaching out of school youth (pregnant girls, drop-outs, youth in on-the-job training projects, etc.)

(3) Provide working collaborative processes with State, Federal and local agencies, such as Comprehensive State Health Planning, Model Cities, OEO, ESEA, Bureau of Indian Affairs, Public Health agencies, etc.

(4) Indicate the State's overall plan for capital construction for food services to be provided with State revenues.

(5) Describe the State's plan for nutrition education and counseling.

b. States should be required to have a State Comprehensive Child Nutrition Advisory Committee, with broad community representation, to participate in the planning and monitoring of the State's program.

c. States should be required to submit an annual report showing progress in meeting needs identified in the plan.

5. Direct the responsible Federal administrative agency, after consulting with appropriate committees of the Congress, the States and various organizations concerned with child nutrition, to develop a model system for administering child feeding programs at the state level and to incorporate in Federal regulations the procedures for monitoring, evaluation and reporting to be implemented by the States and local districts to ensure the most effective service to children. The model system should include staffing requirements and should reflect technical assistance services provided by the Federal Government.

6. Provide for sanctions the withdrawal of Federal funds and/or direct Federal operation where programs are not reaching the intended beneficiaries.

7. Authorize one percent of budget for annual evaluation, research and development.

8. Provide for incentive grants for innovative demonstration projects.

9. Establish National Citizens Advisory Committee to facilitate citizens participation in the development, monitoring and evaluation of the Comprehensive Nutrition Program for Children and Youth.

Mr. McGOVERN. Mr. President, let me say that I wholeheartedly endorse the White House conference's call for a universal free lunch program. There are 52 million American children in school today. Some 32 million of them do not participate in the school lunch program; 51,800,000 of them do not participate in the school breakfast program. But a universal free school lunch program would be costly. We cannot, obviously, afford it today, but it is clearly the best long-range solution to the nutritional health of our children. However, we can and must meet our responsibility to the poor schoolchild today. This it seems to me to be the minimum necessity which can and should not be longer postponed.

Mr. President, last September the Senate met its responsibilities to America's hungry families. It passed, by an overwhelming majority of 78 to 14 the most comprehensive family food assistance bill in our Nation's history—a food stamp bill which, if passed by the House and signed by the President, will help assure that 15 million poor and hungry Americans will have incomes sufficient to purchase an adequate diet.

Mr. President, let me say here that it seems to me a matter of the highest legislative priority that the other body act on this constructive and most important food assistance bill which was passed by the Senate so decisively in September of last year.

Today, we have an even more important responsibility to meet; 11½ million of our Nation's children live in families whose incomes are inadequate to purchase enough food for an adequate diet; 8½ million of these poor children are in school. They arrive at school in the morning more often than not without a decent breakfast. Five million of these poor schoolchildren receive no lunch in school—5 million who are taught the hypocrisy of hunger amidst affluence because their parents cannot afford the cost of lunch and no one else will help. The issue before us today is simply whether we are going to fulfill the right of those 5 million poor children to one nutritious meal each day so they can learn in school. That is the issue—the future of 5 million poor schoolchildren, who because they hunger for food, hunger also for knowledge, and for health—5 million children for whom hunger means apathy, listlessness, loss of energy and ability to concentrate—who cannot pay attention in class, except to their stomachs—5 million schoolchildren who are absent more often because they are sick more often. The experts have told us the results. Malnutrition, they say, is a major cause of retarded intellectual development. As Dr. Charles Lowe testified before the Select Committee on Nutrition and Human Needs:

There is no evidence that feeding people makes them smart, but it is indisputable that hunger makes them dull.

I might add in passing that nearly 10 years ago we had a tragic illustration of the malnutrition in the learning process when, through the American food for

¹ A universal school lunch program financed out of tax funds without charge to the children is recommended by the majority of the panel. Two members of the panel, however, urged instead a full Federal subsidy for the universal program with charges for meals for children from high income families. Various administrative methods, such as a credit card system with weekly or monthly billing, are available to prevent the identification of children who receive free or reduced price meals. This would retain the fee system and not further burden the strained state and local tax systems by subsidizing lunches for children from affluent homes.

peace program, a school lunch program was started in a poverty-stricken section of Peru, very careful records were kept of the impact of that school lunch program upon the attendance and upon the academic records of these hungry children.

In the months after the introduction of the school lunch program, the first thing that happened in the first 6 months was an improvement in the school attendance. The school attendance improved dramatically. Then, the other important thing was that the academic record of these children for this 6-month period improved across the board. There was an improvement of 50 or 60 percent, as far as it could be measured in the period after the introduction of the school lunch program.

Mr. President, that is the issue—whether we are going to continue to let 5 million hungry schoolchildren grow up half educated, unemployable, dependent on the rest of society and destined to spend their lives on welfare, because we failed to take the simple step of providing them with a nutritious meal at school.

Let me observe at that point that the Senator from Georgia deserves the appreciation and respect of all of us for bringing to the floor with the endorsement of the Committee on Agriculture and Forestry the best food stamp program that this body or the other body, for that matter, has ever introduced.

It does represent an enormous improvement in the present level of school lunch operations. We are going to suggest later today and tomorrow several improvements that we believe will make the program of the Senator from Georgia even stronger than it is today.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. TALMADGE. Mr. President, I desire to express my deep appreciation to the Senator from South Dakota for his generosity. I agree that the bill that the Senate committee reported is a vast improvement over the existing programs. I point out that the distinguished Senator from South Dakota is a cosponsor, along with several other Senators, of that bill.

Mr. McGOVERN. Mr. President, I thank the Senator. I am very proud to be listed as a cosponsor of that measure.

It does represent a very significant improvement over our present child feeding programs. I am very hopeful that the Senate at the proper time will agree to these modifications and amendments which we will be offering in due course, that I believe will make the program fully adequate to putting an end to malnutrition among the schoolchildren in this country.

There are three things we must do to assure the nutritional health of these 5 million poor schoolchildren who now receive no meals at school.

First, we must assure that if a child is from a poor family he will automatically be eligible for a free lunch.

Second, we must see that a child who is eligible actually gets to eat. We must do this both for those in schools that already have a lunch program and for

those in the 15,000 schools that lack the facilities to initiate a program.

In that connection, I frequently encounter Americans who are generally well-informed on public issues, who are shocked to know that there are still 15,000 schools in this country—and they stretch practically from coast to coast—that have no school lunch program at all for any child attending school. That is a shocking situation that I hope we can put an end to in a short time.

Third, we must provide the funds necessary to finance free and reduced price lunch for the poor and the near poor.

It is to achieve these three essential goals that I have joined with eight other members of the Select Committee on Nutrition and Human Needs in sponsoring five amendments to S. 2548.

Last December, President Nixon pledged that every needy school child would receive a free or reduced price lunch in school by next Thanksgiving. That pledge was underscored by the White House Nutrition Consultant, Dr. Jean Mayer, of Harvard University. If the school lunch program were properly administered by the Department of Agriculture, by the States and by the schools themselves, and if the President had sought in his budget or if the Congress were to appropriate all instead of a third of the funds needed to feed every poor schoolchild by next Thanksgiving, we would not be seeking to amend S. 2548. In fact, we would not need to amend the National School Lunch Act at all. The school lunch program is perhaps as successful as any Federal program—more than most.

The distinguished chairman of the Committee on Agriculture and Forestry, the Senator from Louisiana (Mr. ELLENBER), and the distinguished ranking minority member of the committee, the Senator from Vermont (Mr. AIKEN), deserve a considerable share of the credit. But, as with most programs of this kind, unfortunately, we see that the truth of the old adage "Them that has gets" applies to our school lunch programs. In short, the poorest schools have no lunch program at all.

Very frequently the schools with the highest percentage of children who most need a school lunch program are precisely the schools that either have no program at all or, if they have one, it does not provide adequate funding and adequate programs for the poor children attending those schools. Two-thirds of our poorest children receive no lunch at all simply because they or their schools cannot afford it—while 17 million boys and girls from affluent families pay their 35 cents and take the program for granted.

It is all too true that the present school lunch program works most effectively on the largest scale, for children from upper-middle-class families, rather than reaching the need of the hungriest and poorest students in our schools.

Now, I would be the last to suggest that any of those 17 million should not receive lunch at school. But I do say that as we expand the program let us be sure that the next 5 million children who enter the program are those who come to school hungry because their parents

are too poor to give them a decent breakfast at home. Our thrust from here on out should be in the direction of reaching the hungriest and the most underfed of our schoolchildren.

That is what the amendments, to S. 2548, which Senators JAVITS, HART, KENNEDY, PERCY, YARBOROUGH, PELL, COOK, MONDALE, and I seek, will achieve. They will assure that first priority in the future is given to children who are most in need of meals at school.

These amendments will further assure that we establish adequate standards uniformly across the country to achieve that fundamental purpose of putting a decent lunch at a free or reduced price level in the hands of every poor child now enrolled in our schools. How do we do this?

I shall refer to the specific amendments.

ELIGIBILITY STANDARDS AND "REDUCED PRICE"

First, the establishment of uniform, nationwide eligibility standards. Last September, the Senate passed a food stamp reform bill that provides for uniform nationwide standards for food stamp eligibility.

I think it is fair to say that practically all experts across the country who have studied this problem have come to the conclusion that such uniformity of standards on a generous and adequate level is the essential starting point for any good food assistance program. If that bill is enacted, every poor family whose income is the equivalent of \$4,000 or less for a family of four will be eligible to receive food stamps whatever State they may live in. Amendment No. 508, which will be called up by Senator JAVITS tomorrow will simply apply the same standard to the national school lunch program. It will assure that all schoolchildren from poor families receive free lunch at school.

All pupils from households eligible to receive food stamps or commodities or from families of four with an annual income of \$4,000 or less, the same standard we used on the food stamp program—or the equivalent for households of other sizes—would be eligible. These are the children who would be eligible for free school lunches. The amendment would apply to schools which receive cash or commodity support of their school lunch program. To satisfy the income tests and secure lunch, a child's father or mother or other adult household member would simply fill out an affidavit in a form prescribed by the Secretary of Agriculture attesting to the family's income.

Eligibility under the present programs is currently left by the Department of Agriculture to the discretion of individual school principals under general guidelines which, unfortunately, are completely unenforced and usually ignored. S. 2548 is silent on the issue of who should receive free or reduced price lunches. I think that is one glaring deficiency in the bill now before us, otherwise this is a very good bill. While the bill adds a provision to the present act requiring that school authorities announce publicly the criteria which they will apply in determining eligibility for free and reduced price lunch, it fails to

set any standards which could be applied uniformly either among schools within a district, among districts within a State, or among the States themselves.

More than a year ago, in October 1968, the Department of Agriculture promulgated guidelines directed to the States in an effort to assure some uniformity in the determination of eligibility for free and reduced price lunch. Those guidelines purported to establish nationwide eligibility requirements. They required that each State school lunch agency inform the schools in their States of their responsibility to provide free and reduced-price meals to children from poor families. They required the States to develop written criteria for the determination of eligibility for free or reduced price meals. They prohibited the overt identification of poor schoolchildren receiving such meals. They suggested that free or reduced-price meals be provided to children from any family certified as eligible for assistance under the food stamp or commodity distribution program and for children on public assistance.

Mr. President, at this point I ask unanimous consent that the names of the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Minnesota (Mr. McCARTHY), and the Senator from Alaska (Mr. STEVENS) be added as cosponsors of the five pending amendments I have referred to in my earlier statements, amendments Nos. 508, 509, 510, 511, and 512.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, although the guidelines did not set any specific income standards, on their face, if implemented and enforced, they might have resulted in some uniformity at least within each State. Under the guidelines, by February 1, 1969, every pupil in every school participating in the school lunch program should have known precisely what his prospects were for obtaining lunch at a discount or without cost. Every child should have been protected from being singled out because he could not pay the full price.

Unfortunately, however, what is happening at present is a confused and unbelievable mess. A few school districts have adopted uniform family income guidelines throughout the district. Most, however, leave eligibility completely in the hands of the school principal. As a result, within school districts and within States, some children are entitled to a free lunch if they are on welfare, others are not. Some families with incomes of \$2,000 get a free lunch while others with \$4,000 get a free lunch. Some poor children are not entitled to eat the same meals as those who pay. Some are handed a ticket or token a different color or a different size so that they can be identified from the children paying the full price for the meal. Some poor children are forced to work for their lunch as a condition for receiving what Congress intended to be a free or reduced price lunch.

Miss Jean Fairfax, who is one of this country's foremost experts on the school lunch program and who was primarily responsible for the April 1968 report, "Their Daily Bread," recently undertook

a private informal survey to ascertain the results of USDA's free and reduced price lunch guidelines. Her findings disclose a state of utter confusion as to the meaning of "reduced price," inconsistent eligibility standards and lack of uniformity in administration from school to school within school districts as well as from State to State. She found that many schools keep their eligibility policies secret, and that most had extremely cumbersome, embarrassing, and degrading application procedures.

I think all of us recall the moving incident in the television documentary in the spring of 1968 showing a child actually in a school lunchroom, standing there watching other children eat, under the rules of the school—which, unfortunately, exists in many schools of this country—that require a child who does not have the money to pay for a meal to stand there and watch while others eat their school lunches.

I think that kind of situation is so unconscionable that it cannot be allowed to continue in this country.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. TALMADGE. I agree with the statement the Senator has just made, but is he not aware that the bill and the committee report stop all the things he complains of?

Mr. McGOVERN. I will say to the Senator that the bill stops a good share of it, but I think, as will become clear here, there are still some gaps that we must take care of.

In thousands of schools throughout the country, poor children are required to work for their lunch. In thousands of schools throughout the country the kind of degrading snooping taking place puts the school lunch program in the same category as the demeaning character of our welfare programs. Hundreds of thousands of children are singled out in school as different from others because they cannot pay for their lunch. All these abuses take place in spite of the fact that the Department of Agriculture's guidelines prohibit them.

In other words, there has been a colossal failure of the administration of the program in terms of the new guidelines, or the recent guidelines, that were spelled out in 1968.

As the Senator from Georgia has said, S. 2548, as reported by the committee, does prohibit the overt identification of any child by the use of special tokens or tickets, or by the announcement or by the publication of names or by other means.

I hope this language will have some effect, but it is the same language, I hasten to add, that appears in the U.S. Department of Agriculture's free and reduced price guidelines and it has not been enforced since October 1968, and unless USDA is willing to enforce and monitor these programs in the States, the intent of Congress as well as the executive branch may well be circumvented in future years, as it has been in the past.

I submit that the way to deal with this problem—with the utter lack of uniformity in eligibility standards for free and reduced price lunch—is to do

the same thing the Senate did in the case of the food stamp program. Amendment No. 508 would do this. It would require that any household with an annual income of \$4,000 or less—or the equivalent for households of other sizes—the \$4,000 figure is based on a family of four—be automatically eligible for a free lunch—no snooping, no demeaning test; just a simple declaration of the family income.

It would adopt the suggestion now contained in the USDA's regulations that any family eligible for the food stamp or commodity distribution program also be eligible for a free lunch.

These changes would make the eligibility determination uniform in the major Federal food assistance programs. School boards, State legislatures, and the Congress will be able to calculate the cost of feeding children from poor families district by district. This could furnish a much needed yardstick for measuring the adequacy of budget requests.

One of the great difficulties with the present program is that it is almost impossible even to guess at program needs and forward needs because of the utter chaos in the standards that are set from school district to school district and from State to State under the present program. In the absence of some language providing for uniform standards across the board in all the States, I do not see how the Congress or the administration can do anything in terms of forward planning and in terms of the essential needs of this program.

Amendment No. 508, in addition to setting uniform standards, would also specify that the price the child pays for a "reduced price" meal could not exceed 20 cents. Children from families above the \$4,000 level, but with insufficient resources to pay the full 35 or 40 cents usually charged, would still have a right to receive such reduced price lunches under criteria established by the States and schools. At present, no regulation or statute governs the price of such a lunch.

It is very important to understand the purpose of setting the minimum price level of 20 cents on a reduced price meal. The purpose of a reduced price lunch is to bring a meal to a child who can pay something for his lunch, but cannot afford the regular 35- or 40-cent price. I must say that as I give my youngsters, day after day, the 35 or 40 cents, as the case may be, for their lunch. I wonder how low-income families with several children in school can meet that cost day after day.

The current lack of a definition thwarts this purpose and penalizes school districts that provide meals at reasonably reduced prices.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGOVERN. Mr. President, I have some additional remarks that I would like to make. I wonder if a Senator in control of the minority time would yield me some additional time.

Mr. AIKEN. Mr. President, how much times does the Senator need?

Mr. McGOVERN. Could the Senator give me another 30 minutes?

Mr. AIKEN. Certainly.

The PRESIDING OFFICER. The

Chair recognizes the Senator from South Dakota for an additional 30 minutes.

Mr. McGOVERN. I thank the Senator from Vermont.

As I said, the purpose of a reduced price lunch is to bring a meal to children who can pay something for their meal, but who do not have the income base to pay the full price. The current lack of a definition of what this reduced price ought to be thwarts this purpose and penalizes school districts that provide meals at reasonably reduced prices by allowing districts that serve reduced price meals at a trivial reduction that would equal the cost of a regular price meal in other districts to claim the larger reimbursement due a free or reduced price meal. Thus, the money reserved for free and reduced price meals is unfairly depleted at the expense of schools doing the best job—it is apparent that a uniform definition is needed.

In other words, it penalizes districts that provide meals at reasonable reductions by allowing districts which make trivial reductions that would equal the cost of a regular price meal in other districts to claim the larger reimbursement due a free or reduced priced price meal. In other words, under the present program, in the absence of any uniform standards regarding the maximum allowed for a reduced price meal, some districts will reduce the cost of their regular meal by a penny or two, just enough to allow them to claim reimbursement for their reduced meals. They are then allowed to claim reimbursement under the school lunch program. What that does is produce the result that the money reserved for free or reduced price meals is often depleted, at the expense of other schools that are trying to do an honest and reasonable job in providing meals at reasonably reduced prices.

A uniform definition is needed to protect the integrity of schools that are sincerely trying to make this program work.

The respected study to which I referred earlier, by Miss Fairfax and her colleagues, "Their Daily Bread," has shown that the lower the price, the higher the number of pupils who buy the school lunch. In two schools where the price was 20 cents, participation was 100 percent.

Every child in those two schools participated; but when the price was raised to 25 cents, on a controlled plan, participation drops to near 80 percent; and at 30 cents a meal, it falls sharply to between 27 and 37 percent. In other words, by increasing the price of a meal from 20 cents to 30 cents, two-thirds of the students under actual controlled conditions, dropped out of the program.

That study was conducted over 2 years ago, but it is even more valid now since the price of school lunches has been increased since that time.

Mr. President, I would also like to point out that last December, President Nixon's White House Conference on Nutrition, specifically recommended that an emergency food service program be "launched immediately as a crash program to seek out and feed all school-children that are high nutritional risks." It asked that the 5 million needy school-

children currently excluded from the national school lunch program be served free school lunch before the end of this school year, and that funds be made available immediately to meet this need. It recommended a nationally determined standard for eligibility and for free and reduced price meals in all schools—an eligibility standard which would furnish free lunch and breakfast to all pupils whose family income is at or below the poverty level. It recommended that reduced most meals be sold at a price not exceeding one-half the regular sale price.

Mr. President, amendment No. 508 adopts most of these recommendations, and I hope it will be passed by the Senate as an important improvement on the bill reported by the Committee on Agriculture and Forestry.

Mr. President, in view of the need to discuss the amendment in which I have a special interest, it will come before the Senate either later today or tomorrow. As to the second amendment on the list, I shall defer any discussion of that at this time, and move on to a discussion of some of the other amendments that will be offered by other Senators.

In addition to assuring that USDA in the future monitors the effectiveness of existing school lunch programs; we must facilitate the institution of new programs in the 15,000 schools that are now without lunch. Most of these schools simply have no facilities with which to prepare and serve meals. Many are located in our poorest urban and rural areas and cannot afford to build kitchens and lunch-rooms even when they want to, with the very limited budgets under which they operate.

Amendment No. 509 will help alleviate this situation by providing the statutory framework necessary to enable private food service firms, under contract with the schools themselves to provide meals for the children in these schools.

The Agriculture Department has informed the State school lunch directors that it is in the process of revising its longstanding regulations that now deter schools from seeking help from private food service concerns in providing school meals. Such assistance is particularly necessary where a lack or inadequacy of equipment in the schools means children are denied meals. The revision is expected to be in effect as of April 1. The Agriculture Committee has expressed its support of this change in policy.

The amendment will simply state the intent of Congress that the administration's plans be pursued as quickly as possible. As Dr. Jean Mayer, President Nixon's Special Assistant on Nutrition and Director of the White House Conference has stated many times:

If we can provide filet mignon and the other delicacies eaten by businessmen on expense accounts 6 or 7 miles up in the air, we should at least be able to serve a Type A lunch to children in schools without kitchens on the ground.

FINANCING THE SCHOOL LUNCH PROGRAM

The third essential, if we are going to fulfill the promise that poor children receive meals at school, is that sufficient funds be provided.

If the President's goal for the national school lunch program is to become a

reality—and every needy child is to receive a free lunch by Thanksgiving Day of this year—there must be a substantial increase in Federal, State, and local resources available for the school lunch program.

The Committee on Agriculture and Forestry, while recognizing that "greatly increased appropriations will be necessary," deleted the Federal authorization levels proposed by the Senator from Georgia (Mr. TALMADGE) because the Department of Agriculture strenuously objected to being faced with specific budgetary targets. Amendment No. 510 would restore a much needed budgetary target, specifically \$250 million for fiscal year 1971; \$300 million for fiscal year 1972; and \$350 million for fiscal year 1973.

The proposed fiscal year 1971 budget continues a deficit of at least \$400 million below what is needed to meet the demands and the hopes raised for an adequate school lunch proposal.

Unless the deficit is made up either by the Congress or the States, the administration's pledge to feed all children of the poor in school by Thanksgiving will simply be defaulted—and once again the poor will be left to eat promises.

Let me underscore that, Mr. President, I am convinced beyond any doubt that if we do not include in this bill an authorization of adequate funding, and if we just leave this as an open-ended matter—which in some cases I might think was a preferable course, if we knew what the administration would do in expending those funds—if we take that course, I am convinced that we will not come anywhere near the pledged goal of the administration, of seeing to it that all poor children in schools—5 million of them—are fed an adequate school lunch by next Thanksgiving.

The committee itself, at page 18 of its report on S. 2548 set \$712.8 million as the total required to feed lunch to 6.6 million needy children—at 60 cents a lunch, 180 days a year. Even if there is a 10-percent reduction for normal absenteeism, the total still exceeds \$640 million. In fiscal 1971 the Federal Government expects to spend approximately \$300 million in cash grants and commodities through formal school lunch program assistance to furnish lunch to needy schoolchildren. State and local aid may possibly approach \$100 million. The combined Federal-State-local support level of \$400 million would leave a minimum deficit of \$240 million. However, this figure ignores both the inflationary rising costs which all of us are aware of and Bureau of Census data placing the number of needy children in school at 8.4 million pupils. This is nearly 2 million above the estimate of 6.6 million currently used by the Department of Agriculture. If the higher estimate is used, it will cost \$817 million to provide lunch to 8.4 million needy children, and on this basis the current deficit is about \$420 million instead of \$240 million.

Faced with such a deficit, it seems to me the least Congress can do is attempt to meet the minimum expected deficit based upon USDA's and the Agriculture Committee's own figures. Amendment No. 510 would do this, by authorizing the Federal Government in fiscal 1971 to

pump \$250 million into the program through the outlet of section 11 special assistance alone, which constitutes an increase of \$206 million over the Nixon administration's request for this child nutrition budget line item. The administration budget relies too heavily on fluctuating section 32 funds and hardly at all on direct appropriations to meet the cost of free lunches. The new section 11 would correct this imbalance.

The \$300 and \$350 million sums authorized for fiscal years 1972 and 1973, respectively, would enable lunch service to reach the more generous census count of the needy, assuming an average rise in the cost of lunch, with State and local cooperation. If no or inadequate target figures are inserted, the performance of the executive branch in fulfilling its commitments would be less easy to measure. Let me underscore that I am not making a partisan judgment. Everything I have said here could apply to previous administrations. And the States and our needy children would be in great danger of paying the price for the "Thanksgiving promise," something they simply do not, at present, have the resources to do.

We must provide this authorization level in order to implement the other reforms contained in the five amendments offered to S. 2548.

The Agriculture Committee in rejecting these reforms stated that they were doing so because there was inadequate funding to support the free and reduced price lunches they would generate.

They say:

We cannot reform this program because it lacks the funds to support such reforms—but, on the other hand we will not ask for the funds either!

Such reasoning only confuses the issue—do we or do we not keep our promises to the American people? Do we mean it when top officials of our Government say that by Thanksgiving of next year, no poor child in any school in this country should go hungry for want of a school lunch? The National School Lunch Act of 1946 declared that the program was to "Supply lunches without cost or at a reduced cost to all children determined to be unable to pay the full price thereof."

Twenty-four years later the program still fails to keep this promise—and yet we reject adequate authorization levels. I, for one, do not believe that this body will tolerate that gap between rhetoric and reality any longer.

Mr. President, the senior Senator from Texas (Mr. YARBOROUGH) is necessarily absent from the Senate today. He has had a longstanding interest, as Members of the Senate know, in the school lunch program; and he has prepared a statement supporting this bill and the strengthening amendments that we will be debating today and tomorrow. Senator YARBOROUGH is one of the cosponsors of each of the five amendments.

I ask unanimous consent to have his statement printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

WE MUST STRENGTHEN THE SCHOOL LUNCH PROGRAM

(Statement by Senator YARBOROUGH)

Mr. President, we are working today on one of the most vital pieces of legislation to face Congress—the issue that confronts us, reduced to the simplest of terms, is feeding children adequately.

My personal experience as a teacher for three years in the rural schools of Texas taught me that hungry children are not good students. They come irritable and restless, they are sometimes discipline problems and distractions to other pupils in the classroom. Since that time, I have learned that undernourished children can develop diseases as well as physical and mental handicaps which remain with them throughout their lives. Mr. President, do we need any other reasons for acting on this measure?

I am a co-sponsor of the bill which has been brought to the floor under the able leadership of the Senator from Georgia, Mr. Talmadge. But, I feel that there are a few weaknesses in this bill which will be corrected by the amendments proposed by Senators McGovern, Hart, Kennedy, and Javits, all of which I have co-sponsored.

The School Lunch Program does not now reach enough children with free and reduced-price lunches. There is no set definition of a reduced-price lunch. Breakfasts are not provided for. Also, the program is underfunded.

These five amendments which I am co-sponsoring will help eliminate these shortcomings in the program. A clear definition of a reduced-price lunch as one costing not more than 20 cents will be set. Also, the number of children eligible to receive free lunches will be increased with passage of the amendment proposed by Senator Javits. Senator Kennedy's amendment will provide for more breakfasts for school children. In addition, there is a specific authorization for the special assistance program which will hopefully give the Appropriations Committee some idea of how much money is needed to carry out the purposes of this law.

In addition to these changes in the existing law, there is a new provision for cooperation between school systems and private food service companies in child-feeding programs. This amendment, if passed, would allow school districts to utilize the services and know-how of private enterprise to bring food to our school children.

Mr. President, there is little doubt in my mind about the need for the adoption of these amendments and the passage of this bill. My experience as a teacher has given me first-hand knowledge of the effects of hunger on school children. My 12¾ years of work on the Labor and Public Welfare Committee and my service on the Select Committee on Nutrition and Human Needs have only served to reinforce my belief that education is wasted on hungry children. We cannot afford this sort of waste.

What matters it is we spend billions of dollars to provide an education for all American children, if we then cripple the ability of millions of them to learn by failing to provide them with enough food to eat? How good is their education if the real lesson that they learn is that the more affluent citizens of our country have all the advantages in life, from the very beginning? That is why we need to strengthen and enlarge our School Lunch Program and that is why we need to pass these amendments to the pending school lunch bill.

In the *New York Times* of February 19, 1970, there was a report of the publication of a report of the effect of malnutrition on children in Mexico. It is truly frightening to think that American children may be falling victim to the sorts of illnesses described in this article and that they, too, may be suffer-

ing permanent reduction of their I.Q.'s simply because this nation does not care enough about them to feed them properly.

I ask unanimous consent that the article by Nancy Hicks entitled "Long Study of Mexican Siblings Supports Malnutrition I.Q. Link," published in the *New York Times* of February 19, 1970, be printed in the RECORD at the conclusion of my remarks.

We have the chance now, Mr. President, to feed our children—all of them who need food—adequately. Let us make this effort now. I urge adoption of these amendments and this bill.

LONG STUDY OF MEXICAN SIBLINGS SUPPORTS MALNUTRITION I.Q. LINK

(By Nancy Hicks)

A group of Mexican children hospitalized at an early age with severe malnutrition has scored lower on intelligence tests in later life than did their siblings who had not suffered from the disorders.

These findings were reported in a three-year study of children from a small agricultural village, completed two weeks ago. The study was conducted by Dr. Joaquin Cravioto, director of nutrition at Children's Hospital in Mexico City, and by Dr. Herbert G. Birch, a psychologist and professor of pediatrics at the Albert Einstein College of Medicine here.

It was part of a larger study of the ecological factors in child growth and development that they have been conducting for the last seven years.

A number of reports have pointed to a link between development of intelligence and early nutrition. Dr. Cravioto and Dr. Birch chose 37 children to act as the experimental group in probing further into such a possible relationship.

Each child had been hospitalized somewhere between his sixth and 30th month of life with kwashiorkor, a severe malnutrition disease. Each had recovered and was five years of age or older.

SIBLING CONTROL GROUP

As a control group the doctors chose a brother or sister of each experimental group member. Each sibling in the control group was within three years of age of his brother or sister and had never had severe forms of malnutrition.

"We did this," Dr. Birch said in an interview in his office recently, "because even though malnourishment goes with disadvantage and affects in varying degrees many members of a society, it is very difficult to match control groups for the exact same socio-economic factors or child-rearing practices as the experimental group. Within the same family, we thought we would eliminate the problem."

Both groups were taken to the Army Hospital in Mexico City and given standard intelligence tests, with the following results:

The average intelligence quotient score of the experimental group was 68.5. The average for the control group was 81.5, a difference of 13 points. Scores between 95 and 110 are considered normal.

One-half of the experimental children scored below 70 on the I.Q. tests, as opposed to about 20 per cent scoring below 70 in the control group.

Only four of the kwashiorkor victims, or 10 per cent, scored above 90, while more than 10 children, or more than one-third of the children who had not suffered from severe malnutrition, scored above 90.

LASTING EFFECT NOTED

All this shows that malnutrition has a lasting effect on its victims, Dr. Birch said.

Those effects can be so strong, Dr. Birch said in a new book, that women who have suffered from malnutrition early in their lives have more complications and problems in child-bearing than do healthy mothers, and

these complications and problems affect the health of their children.

The book, entitled, "Disadvantaged Children: Health, Nutrition and School Failure," will be published in April by Harcourt, Brace and World. Its coauthor is Joan Dye Gus-sow.

In past research, Dr. Birch has also found correlations between a mother's height and her baby's weight and between a mother's hygiene practices and the child's size at birth. Height and weight have been found to be general indicators of the health of a population.

"In this research, we are exploring hunger and malnutrition as factors which can handicap children as learners," Dr. Birch said.

"But we try to make it clear that it is not food alone or compensatory education alone which make the difference between school success and school failure for poor children," he continued. "One-shot treatments will not overcome handicaps brought on by generations of neglect. A complex and sustained attack will be required to remedy what is a complex and intergenerational problem."

Mr. McGOVERN. Mr. President, I thank both the Senator from Georgia (Mr. TALMADGE) and the Senator from Vermont (Mr. AIKEN) for yielding me time under the bill.

The PRESIDING OFFICER. Who yields time? The bill is open to amendment.

Mr. TALMADGE. Mr. President, I think the Senator from South Dakota has some amendments he desires to offer.

Mr. McGOVERN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The time to be charged to which side?

Mr. TALMADGE. I did not hear anyone yield time for a quorum call.

The PRESIDING OFFICER. The question to the Senator from South Dakota is, Whose time will be charged for the quorum call?

Mr. McGOVERN. I ask unanimous consent that I be yielded sufficient time to ask for a quorum call.

The PRESIDING OFFICER. Without the time being charged to either side?

Mr. McGOVERN. Yes.

The PRESIDING OFFICER. Is there objection?

Mr. TALMADGE. For how long? Two minutes?

Mr. McGOVERN. Five minutes.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the Senator from South Dakota be authorized to initiate a quorum call not to exceed 5 minutes, without the time being charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, I send an amendment to the desk and ask that it be stated and be made the pending business.

Let me say, before the clerk reports it, that it is nearly identical to amendment

No. 512, previously submitted. There is one clarifying modification in it. The modification simply makes clear that in reporting monthly the number of children eligible to receive and actually receiving free or reduced price lunches that they make their report to the States, and the States, then, in turn, will report to the Department of Agriculture.

That modification was furnished to the staff of the Committee on Agriculture and Forestry last Friday afternoon. I believe that the Senator in charge of the bill has had an opportunity to review it. It is merely a clarifying amendment.

Mr. TALMADGE. Let me thank the Senator from South Dakota. It is merely a clarifying amendment. I would ask that he request the amendments to be considered en bloc.

Mr. McGOVERN. Yes. Mr. President, I so request that the amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc; and the amendment just offered by the Senator from South Dakota will be printed in the RECORD without being read.

The text of the amendment, as modified, of the Senator from South Dakota is as follows:

(1) On page 23, line 20, strike everything after the period through the period on page 24, line 2, and insert in lieu thereof the following: "The amount apportioned to each State shall bear the same ratio to the total of such appropriated funds as the number of children attending schools in that State from families with incomes equivalent to \$4,000 per year or less for a family of four bears to the total number of such children in all such States."

(2) On page 24, line 11, strike everything through line 22 and insert in lieu thereof the following:

"(e) Funds paid to any State for any fiscal year pursuant to this section shall be disbursed to schools in such State to assist them in financing all or part of the operating costs of the school lunch program in such schools including the costs of obtaining, preparing, and serving food. The amounts of funds that each school shall from time to time receive shall be based on the need of the school for assistance in meeting the requirements of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches."

(3) On page 25, line 3, strike everything through line 10 and insert in lieu thereof the following: "same ratio to such funds as the number of children attending such non-profit private schools in such State from families with incomes equivalent to \$4,000 per year or less for a family of four bears to the total number of such children in all the schools, public and private, in such State."

(4) On page 25, line 16, strike everything through line 25 and renumber subsection (h) on page 6 as subsection (g).

(5) On page 26 between lines 7 and 8 insert the following:

(h) (1) Not later than June 1 of each year, each State educational agency shall submit to the Secretary, for approval by him as a prerequisite to receipt of Federal funds or any commodities donated by the Secretary for use in programs under this Act and the Child Nutrition Act of 1966, a State plan of child nutrition operations for the following fiscal year, which shall include, as a minimum, a description of the manner in which the State educational agency proposes (A) to use the funds provided under this Act and funds from sources within the State to furnish a free lunch to every needy

child in accordance with the provisions of section 9; (B) to include every school within the State in the operation of the national school lunch program by the start of the 1972-1973 school year; and (C) to use the funds provided under section 13 of this Act and section 4 of the Child Nutrition Act of 1966 and funds from sources within the State to the maximum extent practicable to reach needy children.

(2) Each school participating in the national school lunch program shall be required to submit a report each month to its State educational agency the average number of children in the school who received free lunches each school day during the immediately preceding month, the number of children in the school who were eligible to receive free lunches during such month, the average number of children in the school who received reduced price lunches each school day during the immediately preceding month, and the number of children in the school who were eligible to receive reduced price lunches during such month.

"(3) The State educational agency of each State shall submit a report to the Secretary each month showing the average number of children in the State who received free lunches each school day during the immediately preceding month, the number of children in the State who were eligible to receive free lunches during such month, the average number of children in the State who received reduced price lunches each school day during the immediately preceding month, and the number of children in the State who were eligible to receive reduced price lunches during such month."

Mr. McGOVERN. Mr. President, are we on controlled time on the amendment now?

The PRESIDING OFFICER. We are under controlled time. How much time does the Senator yield to himself?

Mr. McGOVERN. I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 20 minutes.

Mr. AIKEN. Mr. President, may we have the modification read?

The PRESIDING OFFICER. The Chair would inform the Senator from Vermont that reading of the amendment was suspended, under the previous order.

Mr. McGOVERN. Let me say to the Senator from Vermont that it merely provides that the schools, in reporting on the number of children eligible to receive free or reduced price lunches, make their report to the States and the States, then, in turn, report to the Department of Agriculture.

Mr. AIKEN. And that is all?

Mr. McGOVERN. That is correct.

Mr. AIKEN. I thank the Senator from South Dakota.

Mr. McGOVERN. Mr. President, ever since the passage of the National School Lunch Act in June of 1946 Congress has had specific legislative responsibility to safeguard the health and well-being of the Nation's children—all her children.

To achieve this goal, Congress declared that the program was to "supply lunches without cost or at a reduced cost to all children who are determined by local authorities to be unable to pay the full price thereof."

We have constantly told the public that our children are the Nation's most precious resource. In spite of such rhetoric and the avowed purpose of the national school lunch program, the pro-

gram reaches only one-third of the Nation's schoolchildren—and not even that dismal percentage of its poor children.

This tragic situation cannot be allowed to continue. The rhetoric must become reality before we suffer further loss of the intellectual resources and productivity of our children. This threat alone should prod us to remedy the obvious failings of the national school lunch program.

We can no longer afford a program that in the words of its former director, Rodney E. Leonard, "befuddles its local administrators, not to mention the Department of Agriculture."

It is a punitive program which apportioned its funds on the basis of past performance, not need or willingness to meet that need.

It is a program that does least for those States and children most in need.

It is a program that badly needs its priorities reordered. S. 2548 goes a long way toward doing this—but not all the way.

Most of all it is a program in need of close administrative supervision—S. 2548 totally fails to deal with this problem.

Therefore, I propose amendment No. 512, as modified, to S. 2548 which would require the States to file a plan of operations describing their proposals to assure that free and reduced price lunches are provided to every needy schoolchild; assure effective monitoring and evaluation of school lunch programs by requiring periodic reports on the number of needy children actually furnished lunch at school; allocate special assistance funds for free and reduced price lunches for low-income schools among the States according to the number of schoolchildren from low-income families; and permit the payment of all operating costs as well as food costs in schools most in need of special assistance under section 11.

I believe the single most glaring deficiency in the national school lunch program is the lack of accountability on the part of local school districts and States to the Department of Agriculture. At the State and local levels, where legal authority presumably rests, the child nutrition programs are in incoherent shambles. Rodney A. Ashby, the chairman of the State Directors and Supervisors Section of the American School Food Service Association, pointed this out in his testimony before the Agriculture and Forestry Committee. He specifically called for "a system of accountability which will assure prompt reporting by States thus making possible improved management of funds at the State and Federal levels."

Why is Mr. Ashby so concerned that there be a State plan requirement? When one considers the present extent of State and local accountability—or lack of accountability, the reason becomes quite apparent.

The Department of Agriculture cannot tell us accurately how many children in this country go without lunch. They have never done this kind of research. They cannot tell us how many actually receive free and reduced price lunches on a State-by-State basis.

Mr. MONDALE. Mr. President, will the Senator from South Dakota yield?

The PRESIDING OFFICER. (Mr. STENNIS in the chair). Does the Senator from South Dakota yield to the Senator from Minnesota?

Mr. McGOVERN. I am happy to yield to the Senator from Minnesota.

Mr. MONDALE. I wish to commend the Senator from South Dakota for an effective definition of the problem which affects the school lunch program.

As I recall, President Nixon personally addressed the White House Conference on Food, Nutrition, and Health, and one of the key points in his message was a pledge that by the end of this fiscal year, every needy school child in the country would be supplied with a free or reduced cost school lunch. Is my recollection correct?

Mr. McGOVERN. The Senator is substantially correct. There was a statement made by the Special Assistant to the President, Dr. Meyer, setting Thanksgiving as the date when that would be achieved.

Mr. MONDALE. Mr. President, I ask unanimous consent that the President's remarks on that matter be printed at this point in the RECORD.

There being no objection, the President's remarks were ordered to be printed in the RECORD, as follows:

In a related matter, we already are greatly expanding our school lunch programs, with the target of reaching every needy school child with a free or reduced-cost lunch by the end of the current fiscal year.

Mr. MONDALE. Mr. President, in the opinion of the Senator, how much money has to be authorized for the 1971 budget in order to achieve the objective which the President supports?

Mr. McGOVERN. The minimum figure would be \$640 million. That is based on the number of needy children whose needs are not being met under the present program, to fill the gap of providing either a free or reduced-price meal to every needy child.

Mr. MONDALE. Mr. President, as I understand it, that is a conservative estimate of the need.

Mr. McGOVERN. The Senator is correct.

Mr. MONDALE. It may be that the estimate is up to 2 million children short of the actual number in need.

Mr. McGOVERN. The Senator is correct.

Mr. MONDALE. But even taking the most conservative estimate, based on the Department of Agriculture figure, we would need \$640 million.

Mr. McGOVERN. They are the estimates that have been made by a competent staff.

Mr. MONDALE. How much did we spend this year for assistance for free and reduced cost meals?

Mr. McGOVERN. Approximately \$200 million.

Mr. MONDALE. And how much does the President's budget call for in the 1971 fiscal year?

Mr. McGOVERN. There is about \$300 million in the President's budget. There would be approximately \$100 million additional from State and local sources.

There would be a short fall of about \$400 million—\$300 million coming from the Federal Reserve Treasury and \$100 million from State and local sources.

Mr. MONDALE. And if we are in fact underestimating the need by some 2 million children, the amount needed could be somewhat over \$400 million.

Mr. McGOVERN. Mr. President, I think that actually the estimate is about \$420 million.

Mr. MONDALE. I understand that the amendment the Senator is proposing is directed at providing school lunches. In other words, it does not substantially increase the efforts to provide school breakfasts, nor does it deal with the problem of early childhood feeding.

Mr. McGOVERN. The Senator is correct. The pending amendment is not the one that goes to the funding authorization, but is an amendment calling upon the States to establish a State plan setting forth what they are doing in systematic and clarifying language on a periodic basis so that we would know the number of needy children in that State, district by district, the number that are being fed, the difference between those that are being fed and those who are in need of a free or reduced price lunch.

That is one of the deficiencies in the program. We do not have any accountability from the States. We do not have any accurate or dependable statistics on what we are doing and what needs to be done.

Mr. MONDALE. Mr. President, as I understand it, last year \$45 million was provided for funds under the so-called Perkins measure. And we do not know, because of this lack of accountability, how much of that amount actually went to reduce the cost of lunches for poor children. In fact, \$18 million of it was returned to the U.S. Government by the States, despite the existence of this tremendous need.

Mr. McGOVERN. Mr. President, this is really one of the most confusing paradoxes in the whole school lunch shambles today. In spite of the fact that everyone recognizes the critical need for additional funds in order to reach these youngsters from poor families, as the Senator has said, money was actually returned from the present inadequate program. I think this is because there has never been any requirement that States work out plans year by year as to how they are progressing toward meeting those plans.

Under the present pending amendment, where every State would be required to set forth a plan of operation, we would at least know where we stand with reference to the administration program.

Mr. President, another provision of the amendment as the Senator may know, is that it would allocate funds available under section 11—that is the so-called special assistance program—to States on the basis of the number of poor children. That refers to children who come from families with an income of \$4,000 a year or less. Funds would be allocated to those States and school districts where the funds are most needed.

Mr. MONDALE. Mr. President, I think that such a reform is desperately needed.

In the course of serving on the Select Committee on Nutrition and Human Needs and examining various studies, I have been utterly shocked by the confusion, disarray, and inadequacy of the current school lunch program. There is not a national lunch program. There is really a case of anarchy. Many school districts cannot adequately feed their hungry children.

The result is that there are more than 5 million children who cannot afford school lunches and do not receive them. Many of them probably came to school without having had any breakfast, and some without having had dinner the night before.

I can recall visiting a third-grade class in Nome, Alaska. The school district had no school lunch program at all.

I asked the teacher how the children were doing. She said:

They are not learning much at all. It is very discouraging.

I said, "Why?"

She said:

Well, these kids haven't had anything to eat. They come to school hungry. When I first came here, my husband and I tried to raise money to feed them. But we could not do it. Until the children get enough to eat, they cannot learn.

I recall hearing testimony during the hearings to the effect that children who come to school without having had enough to eat cannot learn.

If we had to make a choice between textbooks and nutrition, it would be wiser to forego the textbooks and feed the children so that they would be capable of learning.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. McGOVERN. Mr. President, I yield.

Mr. AIKEN. Mr. President, I understand that today we are not able to tell how many children are not getting school lunches. I believe that information should be required of them. I expect it would be required under the pending bill.

If there is no dependable report and the Department of Agriculture has no records, I wonder what the basis is for the statement of the Senator from Minnesota that there are 5 million school children who ought to be fed that are not being fed.

I am not asking this question to be critical. I know that some of the school children in Vermont are not getting school lunches because they do not want them. And Vermont should be the easiest State in the Union for getting that information. I think that there are about 8,000 out of a possible 12,000 needy children in Vermont who receive free or reduced-price meals.

I was wondering how we know how many there are in the country.

Mr. McGOVERN. To respond to the Senator's question, we do not really know. We have some indication from the Bureau of Census figures on income breakdowns. We have certain studies that have been made by people looking into the school lunch program. But working largely from the Bureau of Census figures, there are about 5 million nation-

ally. However, nowhere can one go to the Department of Agriculture and know State by State what the need is, or even district by district.

Mr. AIKEN. But it is not the fault of the Department of Agriculture.

Mr. McGOVERN. No; only in the sense that the Department never really laid down any requirements of accountability. I think statutory action is required on the part of Congress.

Mr. AIKEN. Some schools, I believe, are not participating in the program for feeding needy children from poor economic areas because of the requirement that the States or the community pay the operating costs. Under the Senate bill they would pay only 20 percent of such costs in cases of severe need that would make quite a difference. Even then I expect some people in some of the smaller schools would say, "We can take care of it better at home." That is not true with respect to the larger city schools.

Mr. McGOVERN. I thank the Senator. I do not think we know with any degree of certainty what the number is. I think the Senator's question is well taken.

Mr. AIKEN. We do not know.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. MONDALE. Mr. President, one of the most haunting experiences I have had since coming to the Senate was when I went to a grade school lunch period at a school in St. Paul, Minn. I decided to go there to see how a school lunch hour worked, to see how the children responded, to see what kind of meals were served, and so forth. The meal was a good one; it was balanced and nutritious. But I will never forget as long as I live seeing those children coming through the line. The cost of the lunch was 25 cents per child. They had had a 15-cent lunch the year before, but when the OEO money ran out, they went back to 25 cents. About every fifth child going through the line was unable to pay the 25 cents. Many of them just sit amongst their friends who were eating this fine meal. They would sit there with no meal at all. One pathetic little girl, obviously an impoverished child, had a little, dirty sack she brought with her. I asked her if I could look at it. Inside the sack there were three chocolate cookies which were going to be this child's lunch. That should never happen to any American child.

The PRESIDING OFFICER. The Senator's 20 minutes have expired.

Mr. McGOVERN. I yield myself 15 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 15 additional minutes.

Mr. MONDALE. Such experiences are being repeated throughout this country every day. Millions of children who are hungry sit amongst their friends at lunchtime. Those who need lunch most, those who need it to learn and to have strong bodies, are not only being denied food, they are also being served a lunch in humiliation as they sit amongst their friends and are denied this basic ingredient required for a healthy and dignified life. I think it is a national scandal.

The measure the Senator proposes would establish the necessary guidelines and the national policy so that we might deal with the poorest of the poor. We are beginning at that level as we did in the McGovern-Javits food stamp program.

Without this kind of help, millions of children will continue to suffer this humiliation every day and be denied the basic food which they need.

Mr. McGOVERN. I could not agree more. I know the Senator looked into the school lunch operation not only in his State but also elsewhere in the country and that he is aware, in addition to the problem he pointed out, that youngsters who do not participate in the school lunch program, do not do so because they do not have the money. Many families have practically developed a plan whereby the mother or father will designate the child that is going to eat the school lunch that day. Maybe Johnny gets it on Monday, Mary gets it on Tuesday, and another child gets the school lunch on Wednesday. If there are three or four children they pass it around or share it. All these things are worked out. They are humiliating to the child and so unnecessary in a country with the resources we have.

I know the Senator from Georgia is trying to reach much of that problem with the bill which has been reported, but without these guidelines that we are talking about I am afraid the measure will fall short of the mark.

I thank the Senator from Minnesota for his helpful comments.

Mr. President, the Select Committee on Nutrition and Human Needs sent a questionnaire in June of 1969 to all 50 State school lunch agencies to attempt to get answers to questions like these—which the Department of Agriculture could not answer. The State answers we received are riddled with inaccuracies. The States' best answers add up to a failure—a program that lacks accountability—a program whose administrators, State or Federal, do not know what is happening in their own program.

Nothing makes it more clear than a look at the mismanagement of special section 32 funds which occurred during the 1968-69 school year and were revealed in the States' answers to the committee questionnaire. Under section 25 of the Agricultural Appropriations Act of 1968, engendered by Representative CARL PERKINS, an additional \$45 million was appropriated to supply free and reduced price lunches for needy children. But most States apparently used these funds, possibly 20 percent of them, to hold down the prices of regular school lunches—in effect, benefiting the middle-class youngsters and diluting a special effort to provide an adequate diet for the poor. Perhaps more shocking is the fact that \$18.8 million of these funds were returned by the States to the Department unused—while millions of needy children went unfed.

Local school districts, in the absence of strong State and Federal supervision, will continue to rationalize negligence and divisions of funds to meet rising program costs, contrary to congressional intent and executive instruction.

The negligence in the use of Perkins funds is not the only example of the problem of sending out Federal resources accompanied by nothing more than good intentions. The experience with Federal guidelines for free and reduced price lunches parallels the fate of funds to finance them. The guidelines resulted from pleas from State school lunch directors who said, in effect, "we want you to tell us to feed the needy children because then we can tell local school boards we must because the Federal Government requires us to."

The Federal guidelines were published in October 1968 and required each school district to file a plan with the State by the start of the 1969-70 school year. The plan must describe the standards the district will use to certify a child as eligible for a free lunch. It also must describe who is to do the certifying, and how parents will be informed that free lunches are available.

Judging from the results of the select committee's questionnaire, fewer than a dozen States have made a serious effort to review the district plans.

Even more discouraging, no State is capable at this time of providing specific assurances that the guidelines are being followed in local school districts. No State has adequate staffing to conduct field audits. The Federal agency's monitoring effort is even more haphazard. It sends regional staff to review district plans on file in the State offices, and no one at USDA is even employed full time at monitoring the guidelines.

Hence, no one can describe the current status of the effort to establish guidelines for free and reduced price lunches in every school district and to feed every needy child because no one at the Federal or State level knows. The guideline enforcement policy calls for the withdrawal of all Federal funds for child feeding where the guidelines are not being carried out. Under the circumstances, the only conclusion is that present guidelines are meaningless and will remain so without a State plan requirement.

The information-gathering channels of the child feeding programs are designed primarily for bookkeeping purposes and less for program development, more for managing dollars than services. Reports show only how many lunches are served each day. A school district, a State, or the Federal Government can only estimate the number of children who participate. Similarly, all the administrative levels can estimate only the number of children who need free or reduced price lunches. The data available only record how many lunches were submitted by States on claims to the Federal Government for reimbursement, and does not tell how many need a free lunch, and this will remain the case until a State plan and periodic reporting are required.

Until we know how many children need a free lunch and how many actually receive free meals, Congress will never be able to provide adequate funding.

The Agriculture Committee, in rejecting plans and reporting, stated:

The Committee was in complete agreement with the objective of this amendment, to wit, bringing every eligible local educational agency into the program by June 30, 1973. However, the Committee felt that this could not be done by refusing Federal child feeding funds to the entire state if some local agency refuses to enter the program.

The proposed amendment contains no such penalty but only the requirement that the States submit a detailed plan, which shall include, as a minimum, a description of the manner in which the State educational agency proposes first, to use the funds provided under this act and funds from sources within the State to furnish a free lunch to every needy child in accordance with the provisions of section 9; and second, to include every school within the State in the operation of the national school lunch program by the start of the school year 1972-73. Plus, a monthly report—and this is very important—in local school districts and States of those eligible for and those actually receiving free lunches.

Surely this is not too great a burden to put on the States in order to end this chaotic situation in the administration of the program.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Since we are on limited time, I wonder if the Senator would get some time from the other side.

Mr. TALMADGE. Mr. President, I yield 2 minutes to the Senator from Kansas.

Mr. DOLE. Since the Senator indicates that his amendment would not require the cutting off of funds to the entire State, how would the Senator require compliance with his suggested amendment?

Mr. McGOVERN. The Senator from Kansas is a member of the committee, as I am. The difference between the language that the committee was worried about and this is that the State is cut off for refusing to file a State plan, not for failing to enlist every school district in the school lunch program. In other words, a State is not penalized because one particular school district fails to participate in the program, but the States are told that if they want to participate they have to file a plan indicating how they are going to carry out the program.

Mr. DOLE. That might work where a State has jurisdiction over public schools, but how about jurisdiction over private schools? How are the States given that power?

Mr. McGOVERN. There is no requirement in the bill for the covering of private schools. There is no way I know of that we can get at that problem.

Mr. DOLE. I think the Senator's amendment deals with all schools in a State, public and private.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. Mr. President, will the Senator from Georgia yield me 2 minutes?

Mr. TALMADGE. I yield 2 minutes to the Senator from Kansas.

Mr. DOLE. I call attention to page 3, line 14 of the amendment, which contains the language, "every school within the State in the operation of the national school lunch program."

Mr. McGOVERN. Under the provisions of this amendment, the State would be required to develop a plan, showing how it intends to carry out these provisions and how it intends to carry out the program by the year 1972 and 1973. What we are requiring here is that the report be filed by the State.

Mr. DOLE. But is it simply a report saying what the plan may be; it is not a requirement that that school, public or private, participate in the school lunch program. Is that correct?

Mr. McGOVERN. That is correct. We cannot force it.

Mr. DOLE. What happens in 1972 or 1973 if the plan is filed but not complied with? Does the State just file another plan?

Mr. McGOVERN. The State will not be cut off because of the failure of a district or school to participate. The only condition under which this amendment would deny funds to a State would be if the State failed to file a plan. The purpose is to bring some accountability, under pain of losing Federal aid, if a State fails to provide a plan of action. A report is called for under this amendment as to how a State plans to carry out the program.

I understand the difficulty the Senator refers to, if there is a district or school that may not comply. There is no intention to cut off the entire State because of that individual failure.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGOVERN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 13 minutes.

Mr. McGOVERN. A more detailed State plan is already required of school systems under the Elementary and Secondary Education Act. S. 2548 itself calls for an undefined State plan of operation as a prerequisite to transferring funds from one program to another, for example breakfast funds to equipment. Thus, the requirement is neither onerous nor unprecedented. In fact, it should have been required in our school lunch program long ago.

The most controversial requirement, I believe, is that of monthly reporting—but it is also in my judgment the most necessary and effective one.

Consider the situation I have already described regarding the failure to use the \$45 million in special section 32 funds to create free and reduced price lunches for needy children. If the monthly reporting system this amendment calls for had been in effect at the time, at the end of one reporting period it would have been apparent that the number of free and reduced price meals being generated from these increased funds were not sufficient and that obviously funds were going unused and being misdirected. Then before the months had passed and it was too late, the Department could have acted in its proper supervisory role to insure that

these funds were used as Congress intended. Without such a reporting requirement, we know what happened—millions of poor children went unfed while millions of dollars were returned to the Department. I doubt that anything less than a monthly reporting requirement can solve this problem—for a longer period of time will be too long a time to allow prompt remedial action by the Department.

I am not calling for the States to answer idle empty questions—but to provide answers that can determine whether the program is working or not. I do not believe we will ever make it work without such systematic reporting procedures.

My amendment would also divide the funds available for special assistance to the States to meet the need for free and reduced price lunches according to the relative number of schoolchildren in a given State who require free lunch, that is, are from households of four under the \$4,000 level. The committee bill already proposes to change the old allocation formula to focus on a \$3,000 factor, hopefully Senator JAVITS' amendments will make \$4,000 the only relevant income figure. This should be the relevant income figure. The Senate has already overwhelmingly endorsed this figure in the food stamp bill it passed last September.

The present allocation formula, as well as S. 2548, is based on the numbers served in previous years. Thus, States earnestly trying to improve are severely penalized for past failures. Such a system impedes progress in a most negative manner—at the cost of hungry children.

This would be changed so as to base apportionment strictly on need. It would penalize no State nor decrease any State's current participation, but would greatly benefit industrial States which, by and large, suffer from poor past performance.

Finally, this amendment would permit the Secretary of Agriculture to aid schools that could not otherwise afford to meet the demands of their pupils for free lunches, particularly schools in which nearly every child is eligible, by reimbursing them for the entire cost, including labor, of putting the meals on the table.

The committee bill makes some improvement in that direction. It sets 80 percent as the cutoff figure, but heavy reliance on title I Elementary and Secondary Education Act money to finance lunch service in the South indicates that the need for Federal assistance in some impoverished areas is total and that even 20 percent matching money is not available to the local school districts.

For the sake of a rather arbitrary 20 percent matching requirement many children would continue to be unable to participate in the national school lunch program. It would seem much wiser to leave this to the discretion of the Secretary rather than to limit his action at the expense of needy children.

Mr. President, may I again inquire how much time I have remaining?

The PRESIDENT OFFICER. The Senator has 6 minutes remaining.

Mr. McGOVERN. Clearly the 20 percent requirement would affect only the

poorest of the poor. Schools unable to meet the requirement are obviously those schools with the greatest percentage of poor children—children who cannot pay for their meals leaving the schools without the children's fees that other schools use to meet their matching requirement.

Such schools are most in need of assistance. A penalty, which is what a 20 percent matching requirement amounts to in their case, simply makes no sense.

Mr. President, the report that I have referred to earlier, "Their Daily Bread," has described the national school lunch program as a failure. At this time I am afraid that judgment is true. But there is hope of change, the administration has promised that all needy children will be fed by Thanksgiving Day of this year. I sincerely believe that in order that this promise be successfully carried out, we ought to act favorably on the amendment now pending.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, I yield myself such time as I may require.

Mr. President, the Committee on Agriculture and Forestry gave thorough consideration to the formula to be applied in the disbursement of special assistance funds under section 11 of the National School Lunch Act. Section 11 of the National School Lunch Act. Section 11 was added in 1962, to provide for the appropriation by Congress of funds over and above the regular amount to provide special assistance to needy schools.

My study of the school lunch program convinced me that we should be more concerned with needy children in schools rather than needy schools. Under the present law, there are many needy children in the schools that do not qualify as needy or special assistance schools.

To remedy this situation, S. 2548 gives the Secretary of Agriculture authority to provide funds for free and reduced price lunches to needy children, wherever they may go to school. A poor child in an average school district will no longer be penalized because his neighbors can afford to buy lunches while he cannot.

The committee realized also that it would be necessary to change the method of apportioning special assistance money to the States if all needy children are to be fed. Under present law, funds are apportioned among the States on the basis of the number of free or reduced price lunches served in the preceding fiscal year and the assistance need rate. Thus, under present law more funds go to States which are already serving a large number of free and reduced price lunches than to States which have a grave need to expand their free lunch program.

Therefore, the committee decided to utilize the formula of the Elementary and Secondary Education Act to provide that funds will be apportioned on the basis of the number of children aged 3 through 17, in families which either have incomes of not more than \$3,000, or receive more than \$3,000 per annum in

payments from federally assisted public assistance programs.

In other words, funds will be apportioned according to the number of poor children in a given State.

In my opinion, the efforts to tinker with the apportionment formula of section 11 are ill-advised and the amendments are poorly drawn.

I read from amendment No. 512:

The amount apportioned to each State shall bear the same ratio to the total of such appropriated funds as the number of children attending schools in that State from families with incomes equivalent to \$4,000 per year or less for a family of four bears to the total number of such children in all such States.

The Department of Agriculture informed our committee that data are not available as to the number of children actually in school as related to family size and income.

As for the \$4,000 standard to be used in apportioning funds, it is true that the low-income factor in the Elementary and Secondary Education Act has been raised to \$4,000 by both bodies, effective in 1973, for a family of any size, but appropriations have never been adequate to move beyond the original \$2,000 limit.

In my opinion, one of the principal reasons the school lunch program has been so successful in many States is that there has been a great deal of local cooperation. Wherever the school lunch program has been effective in the United States, there has been excellent State and local cooperation.

Now the Senator from South Dakota come forward with a proposal to abandon this time-tested principle of Federal, State, and local cooperation in favor of total funding by the Federal Government. Under present law, special assistance funds generally are limited to reimbursement for food costs. There is no doubt that some poor schools need more assistance. For this reason, section 7 of the committee's bill would authorize the Secretary of Agriculture to provide up to 80 percent of total operating costs of the school lunch program in cases of severe need.

However, I must object to any proposal that the Federal Government pay a hundred percent of operating costs. We do not do it in unemployment insurance. We do not do it in old-age assistance. We do not do it in any other Federal-State cooperative local program of which I know. If we start funding the program 100 percent from Washington, D.C., when the money is going to be spent in its entirety by local people, who is to say, "Let us be careful and save a little and be a bit prudent in spending this money"?

If we are ever to do an adequate job of feeding all the needy children in this country—and our committee certainly wants to do that—we must rely heavily not only on State but on local cooperation as well.

One of the key features of S. 2548 is a requirement that the States increase their matching funds. Under present law, the States are required to match every \$1 of section 4 funds with \$3 of State funds. However, there is no requirement

that any part of this matching money comes from State revenues. At the present time, most of the money comes from pupil payments. Under the committee bill, all States will eventually be required to pay at least 10 percent of their matching requirements out of State revenue.

The need for State and local funding is graphically pointed out in the figures submitted for the Record by the Senator from South Dakota. The Senator's figures indicate that even if the Appropriations Committees appropriate all of the money requested by the administration for child feeding, there will be a funding gap of \$419.4 million for 1971.

The administration has not indicated a willingness to greatly increase expenditures for child nutrition.

If we are to get the needed money, we must get it not only from the Federal Government but from the State and local governments as well. If the Federal Government can pay all the cost of school lunches, there will be no incentive for State and local governments to do anything.

Another objectionable feature of amendment 512 is the requirement that, as a prerequisite of receiving funds, the States submit a detailed State plan which would include, among other things, the manner by which the agency proposes to include every school district within the State in the operation of the national school lunch program by the start of the 1972-73 school year.

I have no objection to a requirement that the States submit a detailed State plan, but I do not think the Federal Government should impose impossible requirements as a prerequisite for the receipt of any Federal funds. State educational agencies can realistically file such a plan only if they have complete cooperation of the full range of local agencies, including nonprofit private schools.

It is folly to establish a requirement that cannot be met within the jurisdictional competence of an agency. State educational agencies do not have authority over nonprofit private schools, so there is no way on the face of the earth that they can assure that every school will come into the program by 1972.

Also, amendment No. 512 would place an impossible administrative burden on the clerical personnel of individual schools. The amendment would require monthly reports from each school and each State educational agency as to the number of children eligible during the preceding month for free lunches, the number eligible for reduced price lunches, the average number receiving free lunches each school day, and the average number receiving reduced price lunches each day.

How can a local school maintain a realistic count of the number of children from families with incomes less than \$4,000 and get that information once a month? Can you imagine what would happen throughout the public schools of this land in the private schools if every school child went home once a month with an affidavit in his hand and said, "You have to sign this, relating to your income, so I can take it back to the

school so they can file a report with the Federal Government, so we can tell them we are poor enough that I'll get a free lunch or a reduced-price lunch"? That would be an impossible burden that the Senator's amendment would put on every school district in this country. This amendment would mean that the local schools would have to require monthly affidavits from every family within the school district. While obtaining information regarding every family in America, the schools would be so busy that they would not have time to prepare the food and serve it to the hungry children.

I yield to the Senator from Vermont.

Mr. AIKEN. It seems to me that requesting a report once a month would be going a little too far, because when a factory shuts down, many children will be eligible for that month and may be ineligible the next, as the employment varied for that community. Asking for a report once a month would certainly take care of all the unemployed clerical people in this country.

Mr. TALMADGE. That is quite true.

Mr. AIKEN. It would not be accurate, either.

Mr. TALMADGE. That is correct. Every family would have to keep a record of its earnings for the previous 12 months. Also, the mobility of our society is such that every time a family moved, it would have to file a new report, and the school would have to send it to Washington.

Mr. AIKEN. It would be difficult. If they had to make a report every 3 or 6 months, perhaps that could be done. As the Senator has said, with the moving that is going on these days, it would be almost a clerical bookkeeping impossibility to make anywhere nearly accurate reports.

Mr. TALMADGE. I agree completely with my distinguished colleague.

Mr. AIKEN. That is one reason why we do not get accurate statements now.

Mr. TALMADGE. The present law gives the Department of Agriculture authority to set standards and require plans. It is flexible enough to be worked out on a realistic basis.

I compliment the distinguished Senator on his desire to feed the hungry children of this country. He is not alone in that desire, however. The Senate Committee on Agriculture and Forestry started that program some 24 years ago, and we have been interested in it ever since. We are interested in continuing it and perfecting it. There is nothing wrong with the program now, particularly the committee bill as reported, that cannot be solved, if it can be adequately funded.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to my distinguished colleague, the chairman of our committee, who is the father, I may say, of this program.

Mr. ELLENDER. Mr. President, the main virtue of this program is the cooperation that has been established between the States and the Federal Government. There is no doubt that the program which has been in effect since 1947 has been a huge success because there

has been complete cooperation among the schools at the local level, the administrators of the program at the local level, and the Federal Government. As a result of that cooperation, the Federal Government has been able to make a success of the program by furnishing about 25 to 26 percent of the entire cost.

The main addition to the bill now being considered is that we are desirous of having the States put up a little more cash than they have in the past. The school boards of many of the States in the past, as well the administrators of the program, have collected quite a lot of funds from the fathers and mothers of the schoolchildren who are the recipient of the program.

It was felt that this new formula written into the bill will be very much desired. It will result, in my judgment, in a better program with the States making a contribution.

As the distinguished Senator from Georgia just stated, the provisions of the amendment that is proposed can be done administratively under the law as it now stands. It would be ridiculous to have a monthly report from each State on each school on the number of children being fed. It would mean the expenditure of a great deal of money to administer such a program.

It strikes me that the bill reported by the committee—I do not say it is perfect—is a great addition to what the law has been in the past.

Therefore, I hope that the amendment will be rejected.

Mr. TALMADGE. Mr. President, unless some other Senator desires to speak, the Senator from South Dakota has indicated a desire for a record vote. I would therefore request the aides to inform Senators in the cloakrooms and elsewhere to come to the Chamber so that we can ask for the yeas and nays.

Mr. AIKEN. Mr. President, let me emphasize what the Senator from Georgia just pointed out, that is, that the McGovern-Javits amendments would cost \$817 million to feed the children, while all the amendments would provide for a total funding of \$397.6 million. This means that there would have to be more drastic legislation provided before the deficiency of \$419,400,000 could be made up.

This is covered in the Record of February 20, 1970, page S2121.

Mr. TALMADGE. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. TALMADGE. Does the Senator from Vermont desire more time?

Mr. AIKEN. No. I just wish to put emphasis on the fact that the amendments call for money for which no provision is made.

Mr. TALMADGE. Mr. President, if no other Senator desires to speak, and the Senator from South Dakota is prepared to yield back the remainder of his time, I am prepared to yield back the remainder of my time.

Mr. PELL. Mr. President, let me just say to the distinguished Senator from South Dakota that I support his amendment. I am glad to be a cosponsor of it.

I realize that it apparently is controversial, but the objective is valid and I support it.

Mr. McGOVERN. I thank the Senator from Rhode Island.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time.

Mr. McGOVERN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. DOLE in the chair). All time has been yielded back.

The question is on agreeing to the amendment, as modified, of the Senator from South Dakota.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIBLE (when his name was called). On this vote I have a pair with the Senator from Massachusetts (Mr. KENNEDY). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. McGEE), the Senator from New Hampshire (Mr. McINTYRE), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), and the Senator from Ohio (Mr. YOUNG) are absent on official business.

On this vote, the Senator from Texas (Mr. YARBOROUGH) is paired with the Senator from Alabama (Mr. SPARKMAN). If present and voting, the Senator from Texas would vote "yea" and the Senator from Alabama would vote "nay."

I further announce that, if present and voting, the Senator from California (Mr. CRANSTON), the Senator from Alaska (Mr. GRAVEL), the Senator from Wyoming (Mr. McGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from New Hampshire (Mr. McINTYRE), and the Senator from New Mexico (Mr. MONTOYA) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New Hampshire (Mr. COTTON), the Senator from New York (Mr. JAVITS), the Senator from Michigan (Mr. GRIFFIN), the Senator from Iowa (Mr. MILLER), the Senator from Kansas (Mr. PEARSON), the Senators from Illinois (Mr. PERCY and Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maine (Mrs. SMITH) is detained on official business.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

If present and voting, the Senator from Iowa (Mr. MILLER), the Senator from South Dakota (Mr. MUNDT), the Senator from Maine (Mrs. SMITH), and the Senator from Kansas (Mr. PEARSON) would each vote "nay."

On this vote, the Senator from New York (Mr. JAVITS) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from New York would vote "yea" and the Senator from Illinois would vote "nay."

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 38, nays 32, as follows:

[No. 52 Leg.]

YEAS—38

Anderson	Hartke	Nelson
Brooke	Hatfield	Packwood
Burdick	Hughes	Pastore
Byrd, W. Va.	Inouye	Pell
Cannon	Jackson	Proxmire
Case	Magnuson	Randolph
Cook	Mansfield	Ribicoff
Eagleton	Mathias	Schweiker
Fong	McCarthy	Stevens
Goodell	McGovern	Symington
Gore	Mondale	Tydings
Harris	Moss	Williams, N.J.
Hart	Muskie	

NAYS—32

Alken	Ellender	Murphy
Allott	Ervin	Prouty
Bellmon	Fannin	Russell
Bennett	Goldwater	Scott
Boggs	Gurney	Spong
Byrd, Va.	Hansen	Stennis
Cooper	Holland	Talmadge
Curtis	Hruska	Thurmond
Dole	Jordan, N.C.	Williams, Del.
Dominick	Jordan, Idaho	Young, N. Dak.
Eastland	McClellan	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Bible, against.

NOT VOTING—29

Allen	Hollings	Pearson
Baker	Javits	Percy
Bayh	Kennedy	Saxbe
Church	Long	Smith, Maine
Cotton	McGee	Smith, Ill.
Cranston	McIntyre	Sparkman
Dodd	Metcalf	Tower
Fulbright	Miller	Yarborough
Gravel	Montoya	Young, Ohio
Griffin	Mundt	

So Mr. McGOVERN's amendment, as modified, was agreed to.

Mr. McGOVERN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MONDALE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 510

Mr. HART. Mr. President, I call up my amendment No. 510 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 22, line 25, strike everything through line 1 on page 23 and insert in lieu thereof the following:

"Sec. 11. (a) There is hereby authorized to be appropriated \$250,000,000 for fiscal

year ending June 30, 1971; \$300,000,000 for the fiscal year ending June 30, 1972; and \$350,000,000 for the fiscal year ending June 30, 1973."

Mr. HART. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. HART. Mr. President, this amendment is offered by the Senators Cook, JAVITS, KENNEDY, McGOVERN, MONDALE, PELL, PERCY, YARBOROUGH, and me.

Mr. TALMADGE. Mr. President, may we have order, so that the Senator can be heard?

The PRESIDING OFFICER. The Senator will suspend. Attachés will please be seated. Senators will please be seated.

The Senator may proceed.

Mr. HART. Mr. President, the amendment would authorize sums under section 11 of the National School Lunch Act to provide free and reduce price lunches for every child from a low-income family. The amendment would authorize \$250 million for 1971, \$300 million for 1972, and \$350 million for 1973.

In 1962 only 33 percent of America's children were participating in the school lunch program. In Michigan the figure was 17 percent. This low statewide average figure resulted from a participation figure of 10 percent in Detroit where old schools and low incomes meant that the very children who most needed the lunch were not getting it. Section 11 was designed to provide free or reduced-price lunches in such situations. Each year, we have appealed to the Committee on Appropriations for more adequate funding of section 11.

Make no mistake about it. Until we fund section 11 adequately, we are kidding ourselves if we think the school lunch is feeding the hungry children; it is not. Without section 11 adequately funded we are putting lunches before children who can afford to buy them, who are going to the newer schools in the better neighborhoods where food service facilities have been built in, but we are shortchanging those in need.

Section 32 was added to the program in 1962. Until 1965 we were unable to secure any funding for it, and we began then with a meager \$2 million. Since then we have been inching forward. It is time to do the job right and I believe the American people want it done.

Mr. President, if the President's goal for the national school lunch program is to become a reality—and every needy child is to receive a free lunch by Thanksgiving Day of this year—there must be a substantial increase in Federal, State, and local resources available for the school lunch program.

The Committee on Agriculture and Forestry, while recognizing that "greatly increased appropriations will be necessary," deleted the Federal authorization levels proposed by the Senator from Georgia (Mr. TALMADGE) because the Department of Agriculture strenuously objected to being faced with specific budgetary targets.

The Senator from Georgia (Mr. TALMADGE) has been one of the most effective voices raised in support of this measure.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. TALMADGE. Mr. President, I desire to express my deep appreciation and gratitude to the Senator from Michigan.

Mr. HART. Mr. President, the Senator from Georgia has earned these words and many more.

Mr. President, this amendment would seek to restore a much needed budgetary target, specifically \$250 million for fiscal year 1971; \$300 million for fiscal year 1972; and \$350 million for fiscal year 1973.

The proposed fiscal year 1971 budget contains a deficit of at least \$200 million—possibly as high as \$400 million.

Unless the deficit is made up either by Congress or the States, the administration's pledge to feed all children of the poor in school by Thanksgiving will be defaulted—and once again the poor will be left to eat promises.

The committee itself at page 18 of its report on S. 2548 set \$712.8 million as the total required to feed lunch to 6.6 million needy children—at 60 cents a lunch, 180 days a year.

Even if there is a 10-percent reduction for normal absenteeism, the total still exceeds \$640 million. In fiscal 1971 the Federal Government expects to spend approximately \$300 million in cash grants and commodities through formal school lunch program assistance to furnish lunch to needy schoolchildren. State and local aid may approach \$100 million. The combined Federal-State-local support level of \$400 million would leave a minimum deficit of \$240 million. However, this figure ignores both rising costs and Bureau of Census data placing the number of needy children in school at 8.4 million pupils.

Faced with such a deficit, the least Congress can do is attempt to meet the minimum expected deficit. My amendment would do this by authorizing the Federal Government in fiscal 1971 to pump \$250 million into the program through the outlet of section 11 special assistance alone, which constitutes an increase of \$206 million over the Nixon administration's request for this child nutrition budget line item. The Nixon budget relies too heavily on fluctuating section 32 funds and hardly at all on direct appropriations to meet the cost of free lunches. The new section 11 would correct this imbalance.

The \$300 and \$350 million sums authorized for fiscal years 1972 and 1973, respectively, would enable lunch service to reach the more generous census count of the needy, assuming an average rise in the cost of lunch, with State and local cooperation. If no or inadequate target figures are inserted, the performance of the executive branch in fulfilling its commitments would be less easy to measure, and the States and our needy children would be in great danger of pay-

ing the price for the "Thanksgiving promise," something they simply do not, at present, have the resources to do.

It would also appear to be necessary to provide this authorization level in order to enact the reforms contained in the amendments offered by Senator JAVITS and Senator McGOVERN.

The PRESIDING OFFICER (Mr. Cook in the chair). The time of the Senator has expired.

Mr. HART. Mr. President, I yield myself 5 minutes.

The Agriculture Committee, in rejecting these reforms, stated that they were doing so because there was inadequate funding to support the free and reduced price lunches they would generate.

We cannot reform this program because it lacks the funds to support such reforms—but on the other hand we will not ask for the funds either.

Such reasoning only confuses the issue—do we or do we not keep our promises to the American people? The National School Lunch Act of 1946 declared that the program was to "supply lunches without cost or at a reduced cost to all children—determined—to be unable to pay the full price thereof." Twenty-four years later the program still fails to keep this promise—and yet we reject adequate authorization levels.

I think that is not a record on which this body would be content to rest.

Mr. President, I offer several summary sheets, which I ask unanimous consent to be printed in the RECORD, which reflect both the need and the method to insure that that need is met as reflected in the amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APPENDIX A. FREE SCHOOL LUNCH: THE BUDGET GAP

The cost of providing a free lunch throughout the school year depends on three factors: the number of poor children to be reached, the average cost of a lunch, and the annual number of lunches per pupil:

(1) There are two estimates in vogue of the number of school children from low-income families who require free lunches. USDA sets the figure at 6.6 million, by derivation from a study by the American School Food Service Association. Analysis of the Bureau of the Census' 1968 poverty data released in December, 1969 reveals that at least 7.8 and perhaps 8.4 million children between the ages of 5 and 17 lived in 1968 in families with annual incomes less than \$3,600 for a family of four or the equivalent. Given the \$4,000 eligibility test contained in the coalition amendments, coupled with the 3% annual decline in poverty, 8.4 million may be the most realistic target figure.

(2) The normal school year runs 175 to 180 days, but a 10% absenteeism rate is anticipatable, making 162 lunches per pupil per year a reasonable goal.

If 6.6 million needy children, then the total cost of furnishing free lunch in fiscal 1971 = \$640 million ($60¢ \times 162 \times 6.6$ million).

If 8.4 million needy children, then cost = \$817 million ($60¢ \times 162 \times 8.4$ million).

[All figures in thousands]

Total cost.....	\$640.0	\$817.0
Funding sources (funding year 1971):		
I. USDA.....	297.6	297.6
(a) Sec. 11.....	44.0	44.0
(b) Sec. 32.....	4.3	4.3
(c) Special sec. 32.....	151.7	151.7
(d) Sec. 4.....	25.5	25.5
(e) Donated commodities ²	72.1	72.1
II. States ³	75.0	75.0
III. Local ⁴	25.0	25.0
Total funding.....	397.6	397.6
Cost-funding, Gap.....	242.4	419.4
Proposed increase in fiscal year 1971 authorization.....	206.0	206.0
Gap increase, program deficit....	36.4	213.4

¹ USDA estimates that approximately 15 percent of all sec. 4 funds will be applied to reimburse schools for serving free or reduced price lunches because 15 percent of all lunches receiving the across-the-board 5-cent reimbursement have been served free or at a reduced price. Sec. 4 is allocated \$169,700,000 in fiscal year 1971, meaning that 15 percent of that sum is includible under anticipated free lunch expenditures.

² 1,100,000 of the 18,900,000 children whose lunches will be federally aided exclusively under the sec. 4 portion of the lunch program will be needy children receiving free or reduced price lunches in nonneedy schools. The additional 55 cents for their lunches (less commodities donated) will come from state or local contributions or the payments made by middle-class children, rather than from Federal funds. Those children constitute 5.9 percent of the sec. 4 children and will, accordingly, consume approximately 200,000,000 lunches during fiscal year 1971 (5.9 percent of the 3,394,000,000 sec. 4 lunches). 1,000,000 free or reduced price lunches are expected under the special assistance for lunch provisions.

Thus, free or reduced price lunches would constitute 1,200,000,000 or 27.3 percent of the 4,394,000,000 total number of all school lunches served under the national program in fiscal year 1971. Since the school lunch commodity budget for fiscal year 1971 is set at \$264,500,000, some \$72,100,000 of that cost would be attributable to free or reduced price lunches, on the appropriate assumption that, in a given State, commodities are divided equally among the lunches served.

³ The Senate Agriculture Committee reports that, in fiscal 1968, \$63,600,000 was contributed from State tax revenues for the school lunch program. Approximately $\frac{3}{4}$ of that sum or \$45,000,000 was directed to supporting free or reduced price lunches. By fiscal 1971, an additional \$30,000,000 in State funds will be devoted to that purpose, including \$10,000,000 in New York, \$5,400,000 in Illinois, \$6,000,000 in California, \$2,000,000 in Maryland, and assorted sums elsewhere.

⁴ Although no accurate compilation of local support for free or reduced price lunches exists, \$25,000,000 by fiscal year 1971 is the best available estimate. New York City contributes over \$10,000,000; Atlanta \$750,000; Baltimore \$500,000; San Francisco \$330,000; Detroit \$400,000; the District of Columbia \$2,850,000 and many other cities make or will be making substantial inputs.

⁵ The non-USDA free lunch programs include:

Headstart.....	\$40 to \$48.
Johnson-O'Malley.....	\$2.
ESEA, title I.....	\$25 to \$30.
Migrant education.....	\$3.1.
Handicapped and delinquent children.....	\$0.2.
Follow through.....	\$3.

The fiscal year 1971 program deficit for the 6.6 million count would easily be covered by the funds now spent for free lunches under non-Department of Agriculture-operated programs. Those programs currently yield in the neighborhood of \$75 to 90 million annually (including some lunches for 3 to 4-year olds). (See footnote 5 above.)

The fiscal 1971 program deficit for the 8.4 million count would be in the \$125-140 million range, after taking those other feeding programs into account. The deficit would, of course, be further reduced, although not entirely, by the overflow from payments by middle-class children, a sum which is not capable of estimation. In all likelihood, 8.4 million children could not be adequately served until the Section 11 increase for fiscal 1973 were fully funded.

Mr. HART. Mr. President, I hope very much that the Senate will adopt the amendment.

Mr. TALMADGE. Mr. President, I yield myself such time as I may need.

Mr. President, when I offered S. 2548, I had somewhat similar figures—in fact, I think they were identical—for fiscal years 1971 and 1972 as the amendment proposed by the Senator from Michigan. But the committee went into the matter fully. We did not know exactly how much money we needed. The figures were somewhat contradictory. The Department of Agriculture made one estimate. The Committee on Nutrition made another. As I recall, the school administrators in the respective 50 States made another.

So the action the committee took was to leave it completely open ended, so Congress would be authorized to appropriate any money that might be necessary to provide for the need.

If Senators will turn to page 22 of the bill, line 25, the language reads:

SPECIAL ASSISTANCE

SEC. 11. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each succeeding fiscal year such sums as may be necessary to provide special assistance to assure access to the school lunch programs under this Act by children of low-income families.

The action the committee took is permanent legislation, completely open ended. The amendment of the distinguished Senator from Michigan would limit the figure to \$250 million for the fiscal year ending June 30, 1971, \$300 million for the fiscal year ending June 30, 1972, and \$350 million for the fiscal year ending June 30, 1973; and no sums whatever would be authorized in subsequent years.

May I express the thought to the Senate that this authorization is a ceiling; it is not a floor. The committee bill has no ceiling at all. The time is not limited in any degree. It is permanent legislation.

So in this instance the Senator from Michigan is offering legislation that is far more restrictive than what the Committee on Agriculture and Forestry agreed to.

May I say, in conclusion, that my original bill had the same thought as the Senator, and I had fixed sums for the fiscal years 1971 and 1972 identical to what the Senator from Michigan has fixed. But when we looked into the matter in committee, it was determined that, rather than put a ceiling on the appropriation authorization, it should be left open ended, so the Department of Agriculture could study the needs for the program and the Appropriation Committees of the Senate and the House, in their wisdom, could appropriate such sums as were desirable and needed.

The Senator's amendment is restrictive in nature, whereas the committee's proposal is completely open ended.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. TALMADGE. Mr. President, I yield to the Senator from Kansas such time as he may desire.

Mr. DOLE. Mr. President, I share the views expressed both by the Senator from Georgia and the Senator from Michigan and agree that the objective of the bill

is to provide every child who needs it with a free or reduced price meal.

The Senator from Georgia initially provided some limit in the authorization, but, as he has just pointed out very well, perhaps what we are doing, under the amendment of the Senator from Michigan, is restricting the amount of money that may be appropriated.

Regardless of the amount we authorize, it does not guarantee any level of appropriations. As I recall the deliberations of the committee when we had the hearings and following the hearings, after consultation with the executive branch we felt we should leave it open ended so that there could be provided whatever money as might be necessary to achieve the objective expressed by the unanimous vote of the committee, and again today by the Senator from Michigan and by the Senator from Georgia.

The amendment of the Senator from Michigan would tend to restrict the amount of money that might be available. I share the views expressed by the Senator from Georgia, and, therefore, reluctantly oppose the amendment of the Senator from Michigan.

Mr. HART. Mr. President, I yield myself 5 minutes.

The exchanges indicate that all of us who have spoken to the point are anxious to insure that there are adequate authorizations and appropriations to feed schoolchildren. Which is the most likely way to put food in front of them, rather than promises, which we have been making for too many years? Those of us offering the amendment believe this to be the appropriate way. Why? The realistic fact of life is that the Department of Agriculture is asking, "How much money for this program? What is their request?"

Although I am not privileged to sit on the Appropriations Committee, I imagine that is a sort of ceiling at which appropriations begin and from which they are then lowered.

The Department of Agriculture asks all of \$44 million to do this job. Whether they heard the promise about Thanksgiving, I do not know, but \$44 million is not going to deliver by Thanksgiving.

Unless we put up a target, as proposed in the amendment, of \$250 million, is it likely that there will be recommended, in the appropriation bill when it comes through, a figure very much larger than the Department in its wisdom and prudence says is needed, \$44 million?

We doubt it very much; and it is for that reason that we argue the desirability of putting the target up, rather than having what admittedly is a very attractive, at the moment, open ended proposal. It will be open ended until the Department comes in and says, "We only need \$44 million," and then, boom.

Mr. President, there are 6.6 million needy children. To furnish them free lunches in this fiscal year, at 60 cents a meal for 162 school days, would require \$640 million.

This should alert us, first of all, to the fact that the department apparently is not using a schoolchild count, or it is getting the food at bargain prices. But even at bargain rates, with 6.6 million in need, \$44 million is not going to get them into business by Thanksgiving.

With the ceiling, if you will, or target, as I would prefer to call it, established by the amendment, we would get within hailing distance of the total sum that would be required, making allowances for regular absenteeism, and so on. It is not, Mr. President, the motive of the offerers of the amendment to suggest a figure less than that which is required, but rather to state a figure which reality requires we talk about now as actually needed, if in fact delivery is to be made on this promise.

It is for that reason, Mr. President, that the suggestion is strongly made—and I hope will be adopted—that we now recognize the inadequacy of the department's recommendation, and the desirability of fixing a target figure which, in reality, this year and next and the following year, will deliver the food.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. DOLE. I assuredly share the objective of the Senator from Michigan. I wonder whether he has taken into account, in his request for these authorization limits, the amendment we have just adopted, in which we established new eligibility requirements. It may be that the amount requested in the Senator's amendment may not be adequate, in the light of the new standards, and because the Federal Government will now pay all the costs in certain instances.

Mr. HART. I think the amendment we just adopted established an eligibility income ceiling, and allocated money on the basis of a \$4,000 annual income. It did not establish eligibility, but the Senator is correct, it is anticipated that such an amendment will be offered. We have not done it.

Mr. DOLE. I wonder, in the light of the amendment that was agreed to, if, sharing the views of the Senator from Michigan, we may not be tying the hands of the department because of the increased costs to be added by that last amendment, since in some cases 100 percent of the cost is to be borne by the Federal Government.

Mr. HART. It is my information that even with the adoption of the Javits amendment, there would still be an inadequate provision. But this \$36 million deficit could be made up from other non-USDA child feeding funds, such as Johnson-O'Malley funds. I am advised that not until 1972 would the sum be adequate to insure delivery to all the children.

The PRESIDING OFFICER. The Senator's 2 additional minutes have expired. Who yields time?

Mr. HART. Mr. President, I ask for the yeas and nays.

Mr. TALMADGE. Mr. President, I yield such time to the Senator from Florida as he may require.

Mr. HOLLAND. Mr. President, I yield to the Senator from Michigan so that he may ask for the yeas and nays.

Mr. HART. I thank the Senator from Florida. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

Mr. HOLLAND. Mr. President, I wish to say first that I agree implicitly with the distinguished Senator from Georgia

and the distinguished Senator from Kansas in opposing this amendment. The Senator from Georgia had some figures in his bill. I do not remember the size of them, but I recall that there were three different estimates as to how many dependent children would come under the purview of the old section 11 of the act, which is what we are talking about now, the feeding of dependent children.

The Department of Agriculture thought there would be enough so that \$44 million would take care of all they could possibly hope to bring within the program in this approaching year. The school officials had a different figure, and then the nutrition committee had a different figure still; and, though I rarely favor any open ended appropriation, it seemed to me that if we were to take care of this matter at all, we should do it, in this instance, through an open ended appropriation, because there was no dependable set of figures upon which we could rely in trying to decide what should be the amount required for each of the years.

So, Mr. President, we agreed to leave the authorization open ended, and we also agreed to make this part of the bill permanent legislation. In both of those particulars, the amendment in question is less desirable than the provisions of the pending bill; and my own feeling is that the amendment should be defeated.

I might say that our experience under this particular program is twofold. First, they have never used the amounts that we have appropriated. We appropriated for this particular year \$45 million, and that amount was not used.

Mr. TALMADGE. Mr. President, will the Senator yield at that point?

Mr. HOLLAND. I yield.

Mr. TALMADGE. The Senator did not include, I believe, the additional section 32 funds that are also being used for that purpose.

Mr. HOLLAND. The Senator is correct; and that is the one thing that I am grateful to the authors of this amendment for—they have finally realized that they should not continue to abuse the purposes of section 32 by encroaching upon section 32 for every use that came up and every amount that might be needed. At least the amendment has that virtue, though I cannot find any other virtue in it.

The open ended; authorization is completely necessary because no one knows how big this program will be, first, as to the number of needy children that there are in the country, and, second, as to the number of States or cities that are going to come in for their part of the dependent children.

I am sure that Senators know that some of the most populous States, or several of them, have not come in on this program, and that some of the largest cities have not come in on the program, and many of the dependent children are in those largest cities. So the whole program, here, is in the air; no one has any definite figure in mind, and instead, our friends who offer this amendment propose definite figures which are very much larger than anything that has been able to be committed or spent before, and

they limit them to the 3 years covered by the amendment.

Mr. HART. Mr. President, will the Senator yield so that I may ask for yeas and nays?

Mr. HOLLAND. I am glad to yield for that purpose.

Mr. HART. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOLLAND. Mr. President, we still have those two imponderables, those two unknown matters, in this figure. We do not know how many dependent children there are nationwide. We do not know what States and large cities are going to come into the program. We do not know whether the large cities that have heretofore declined to come into that program are going to do so.

I think that everybody who is hopeful to do the most we can under this program realizes that, in the first instance, permanent legislation rather than 3-year legislation is desirable and, second, that open ended authorization is desirable because we hope that everybody will come in, for all the dependent children. But we have no assurance whatever that such will be the case, and we do not know how many there will be if it should be the case.

It seems to me that the bill reported by the committee is infinitely wiser than this amendment would make it.

I yield to the Senator from Vermont.

Mr. AIKEN. I simply cannot understand what motivates the sponsors of these amendments to require the expenditure of so much money for the school lunch program and then restrict the proportions which would be necessary to meet that requirement to about half of the total. I do not know what the motive is. If it went through both Houses of Congress, of course only one thing could happen to it, and that perhaps could be useful in certain areas at certain times of the year. But it just looks to me that if they have their way, something disastrous will happen to the school lunch program. That is all there is to it.

Of course, I do not think the House would tolerate any such action on their part.

I forget how long ago we passed the Food Stamp bill. It was months and months ago.

Mr. TALMADGE. Five months ago.

Mr. AIKEN. Five months ago. And still nothing has come of it. We do not have any food stamp program for the future. And that is exactly what will happen to the school lunch program, I think, if we send it through with the amendments which are being proposed to it. I think it is irresponsible legislation.

Mr. HOLLAND. Mr. President, I appreciate the remarks of the Senator, and I agree with him entirely.

I may say that it seems to me that the committee bill as reported is infinitely wiser. It was supported by the full committee, with one exception. It appears that we are about to go through the same course—or, at least, we are having the same course suggested to us—that we had on the food stamp matter which the Senator from Vermont has

mentioned. We passed that bill prior to July 7. I do not know the exact date, but July 7 was the date of the passage by the Senate of the Agriculture appropriation bill, which I had the privilege of handling on the floor of the Senate. That big food stamp bill, which so greatly enlarged the program authorized by the committee, with one exception, still languishes in the other body, and no action whatever has been taken on it. I do not want to see us go through the same course with reference to the school lunch program.

I do hope that the committee bill will pass, and I regret that the amendment which we recently adopted was adopted, because it adopts a much higher standard as to who are dependent children than does the present ruling or than was required by the committee bill.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from Vermont.

Mr. AIKEN. In my opinion, the effect of the amendment just adopted would be to take the money from the smaller or poorer States of the Union and put it into the States that have the big cities.

Mr. HOLLAND. Mr. President, that might be the result. I do not know. But I am anxious that we do finally fulfill to a greater measure than we have heretofore the objectives of section 11. I think we would do that better under the committee bill, infinitely better and certainly longer, than would be done under the pending amendment. I hope the amendment will be rejected.

Mr. HART. I yield myself 1 minute before yielding to the Senator from South Dakota.

Mr. President, it is the understanding of the offerers of this amendment that there will be no selection among children who are poor, whether they are in small States or large States. The purpose we seek to achieve is that there is a good amount of money available to assure that children, wherever they are, are delivered of a promise we have talked about for a long time.

I yield 5 minutes to the Senator from South Dakota.

Mr. MCGOVERN. Mr. President, I do not want to charge anyone here with hypocrisy, but the truth of the matter is that we have an argument going in a circle here on what it is going to take to meet the promise we have made to try to feed every poor, hungry child by Thanksgiving of 1970.

The administration officials who came before the Committee on Agriculture and Forestry objected to various reforms that are offered in the amendments we are considering today and will be considering tomorrow, on the ground that there was not sufficient funding to carry out those amendments.

The Senator from Georgia (Mr. TALMADGE) had in his bill, when it was originally introduced, funding to cover that purpose. The witnesses who came here to testify on behalf of the administration said, in effect, "Don't put us on the spot by putting the figure in the bill, because we don't know whether we are going to have that much money available." In other words, they were object-

ing to the reforms in one breath by saying, "We don't have the money to pay for them," and then saying, "Don't ask for the money."

So we end up with the same old problem we have had before, of a lot of rhetoric about putting an end to hunger, and then a very careful sidestep in failing to provide the money that is needed.

It is all well and good to talk about an open-ended appropriation if you know that you have a commitment from the administration to ask for the money that will be needed to carry out these reforms. But every indication—I say this with very considered judgment, and I think it is true with other members of the committee—is that there is no intention to ask for adequate funding to carry out the kind of reforms that will be needed to make this program relevant.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. TALMADGE. How is it more liberal to put a ceiling on a bill than it is to have it open ended?

Mr. McGOVERN. In the absence of that kind of instruction from Congress of a specific authorization—

Mr. TALMADGE. The authorization constitutes the ceiling, as the Senator knows.

Mr. McGOVERN. Yes, but the ceiling is set at a reasonable level to provide the funds we need to do the job.

Mr. TALMADGE. Is it the Senator's idea that the ceiling would also constitute a floor?

Mr. McGOVERN. It is my argument that the funds we are asking for under Senator HARR's amendment will meet the minimum needs that we have estimated for fiscal 1971, 1972, and 1973, and that is really what we are talking about. The absence of any kind of authorization is an indication, as I see it, to those who are going to be administering the program downtown that they are under no particular guidance from Congress as to what they are to do in the way of spending. It leaves the Budget Bureau and the administrators of the program free to cut, reduce, or do whatever they want, without any financial guidance from Congress.

Mr. TALMADGE. I am looking at a copy of the explanation of the School Lunch and Child Nutrition Amendments that the Senator was kind enough to give me, and his appendix A, free school lunch, budget gap. The Senator admits, in his own quotation, that even if the Hart amendment is agreed to, he will still lack \$213.4 million of having sufficient money to fund the program. Is that accurate?

Mr. McGOVERN. I could not agree more. I am saying to the Senator that to establish a completely ideal program, the amount of money requested by Senator HART's amendment is not enough.

Mr. TALMADGE. If that is required, why put a ceiling on the amount Congress can appropriate and also cut it off at 1973?

Mr. McGOVERN. Because I want administration officials to understand that the Senate is saying here this afternoon that we want another \$250 million spent

in fiscal 1971 above and beyond what they now intend to spend, what the administration has asked for in the President's budget, we have set out now, and the President has gone before the White House Conference on Nutrition and said that he wants every hungry child fed by Thanksgiving of 1970. Then he submits a budget that provides for \$300 million for school lunch funds. We get another \$100 million estimated out of State and local sources, which leaves it \$240 million short of what we need, to meet even minimum needs to achieve the President's goal, and using the most conservative figures available.

I am saying to the Senator that unless we provide this authorization or something close to it, we are in effect saying to the administration that they have a free hand to do whatever they want to do with reference to meeting the problems of hungry schoolchildren.

Mr. CANNON. If the Senator will yield, I have listened with interest to this discussion, and I am wondering, if the Senator intends to say what he is saying here in colloquy, why he does not say "not less than" \$250 million, rather than just authorize \$250 million, because it seems to me that the bill itself would authorize \$250 million, or whatever amount the Appropriations Committee suggested and Congress determined to appropriate.

Mr. McGOVERN. Let me say to the Senator that for many years we have had these open ended appropriations and authorizations and they have meant nothing. I think the legislative history we are building now, and the reforms included in the bill, as we provide an authorization of \$250 million above what is now in the President's budget, are about all we would hope to accomplish. I think that, in the absence of that, if we follow the pattern used in the past of open ended authorizations, without any figures spelled out, we will be back here a year from now talking about the same gap that is facing us today.

Mr. HART. First, let me say, on the point just made by the Senator from South Dakota, that we have gone up this hill for several years now, an open-ended authorizations, and find it is an open ended sack. It is the feeling and the hope that, by suggesting as a limit the figure we do, there will be some will on the part of the administration to come in and offer more than the \$44 million they now suggest.

Mr. CANNON. If the Senator intends to make this type of request, would it have any binding effect on the Appropriations Committee?

Mr. HART. We do not represent that it would. We assert that the open-ended approach has been ineffective thus far, so, now, let us try this and see if we cannot get closer to a figure from the administration which will be more effective.

Mr. CANNON. Is it the Senator's intention that the bill as now drafted would not authorize the appropriation of the amount set forth in the amendment?

Mr. HART. Just as it has in the past, it would authorize what is needed, but

we have never gotten what was needed in the past. Let us try it this way. Maybe we will get it this time. That is the point of our suggestion.

Mr. CANNON. That does not seem to be a very good argument, that because we did not get it in the past, because it was open-ended, we will get it now. That is not a very logical argument, as I see it. If the Senator wants to get something, why not say to appropriate "not less than" so much money? Then we would be putting in some guidelines that would at least mean something.

It does not appear to me that the Senator's proposal really has—I supported the last amendment—but it certainly does not seem to me this is a logical argument for putting a ceiling on, where we have an authorization that includes at least that much now.

Mr. McGOVERN. I should like to ask the Senator, as a point of information, whether that is a valid legislative procedure to say that, under an authorization bill, "not less than" an amount could be spent. Is that not invading the appropriations process?

Mr. CANNON. What I was suggesting is, "It is hereby authorized to be appropriated not less than." One can put in "not less than," just the same as one can put in, "not more than." It does not mean anything unless one gets it. The Appropriations Committee will have to determine that.

Mr. McGOVERN. I think the net effect would be the same. If the Senate would pass a strong school lunch bill, without specifying the amount, it would have the same impact as it would by using the words the Senator suggested or not. I personally have no objection to that modification. The Senator from Michigan may wish to speak to it.

Mr. HART. The yeas and nays have been ordered. To modify it would require unanimous consent, I believe. The Senator from North Dakota, who has worked with this problem, has indicated as his judgment the desirability of fixing an authorization of not less than.

Mr. President, may I suggest the absence of a quorum in order to clarify from the Parliamentarian whether this does in fact invade the appropriations process.

The PRESIDING OFFICER. The Chair would inquire of the Senator from Michigan on whose time, there being 19 minutes remaining.

Mr. HART. On our time.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, how much time remains on the amendment?

The PRESIDING OFFICER. The Senator from Michigan has 12 minutes remaining. The Senator from Georgia has 30 minutes remaining.

Mr. HART. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Sen-

ator from Michigan is recognized for 3 additional minutes.

Mr. HART. Mr. President, after consultation with several of our colleagues, the Senator from South Dakota (Mr. McGOVERN) and I advise the Senate that in our opinion the most appropriate, and we would hope, the most effective way to respond to what all of us sense to be a problem that should be resolved—namely, our failure to deliver on the promise to feed the children—would be met better by agreeing to the amendment as proposed without any modification.

Mr. President, our reason has been stated. The experience is clear that when we have had an open-ended authorization in this area, grossly inadequate funding has been the result. It is our hope that by having a benchmark figure of \$250 million this year, \$300 million for 1972, and \$350 million for 1973, the Department will recognize our feeling that figures in that range are required in order to assure the feeding of those children.

One can say, "but it will not happen." I cannot assert that it will, because none of us has a crystal ball. I can remember our experience with the Federal Water Pollution Control Act, when, after having established an authorization of \$1 billion as a target figure, have seen in these recent months the delivery of \$800 million rather than the \$214 million proposed in the budget for 1970.

That experience persuades us that there is a likelihood that the same result will obtain if we fix in this debate today a target figure in the range we are suggesting.

We are all on notice that the Department says it cannot deliver because they do not have the money. Yet, they come around saying, "Do not give us the money."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 additional minute.

Mr. HART. Mr. President, we think that by setting the \$250 million target figure, we will persuade them of the necessity to come in with substantially more than the present figure of \$44 million.

Mr. TALMADGE. Mr. President, I yield 5 minutes or such time thereof as he may require to the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. ELLENDER. Mr. President, I regret that the amendment proposed a while ago was agreed to. That means that the Federal Government would be spending much more money than it has spent in the past.

It further means that the cooperation that now exists between the State and Federal Government in the operation of the program would be lessened.

I do not quite understand the argument of my good friends, the Senator from Michigan and the Senator from South Dakota.

The Senator from Michigan mentioned the Pollution Act. It was my

privilege to handle that bill, and although we had specified amounts in that bill, the administration never saw fit to authorize the amounts mentioned by Congress. To the contrary, the amount provided has been much less.

As I recall, the first authorization for the first year was something like \$450 million. For the next year, it was \$700 million, and for the next it was \$1 billion each, and the fourth year \$1,250 million. Congress only provided \$250 million last year, and the administration, through the Budget Bureau, recommended \$250 million. It was the Senate committee that put in the \$1 billion. Therefore, if a stipulated amount did not work in this case, why should it work in the school lunch program.

I feel confident that, with the evidence we have before our committee and the fact that the administration is desirous of providing the funds necessary to operate the program, we would be far better off with an open-ended authorization than to limit it.

I am really and truly surprised that such arguments should be presented to the Senate. It certainly has not worked that way in the case of the pollution program. I doubt that it will work in this program.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. TALMADGE. Mr. President, I yield 3 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 3 minutes.

Mr. HOLLAND. Mr. President, there is a good deal more at stake here than meets the eye. In the first place, the Committee on Agriculture and Forestry came out with a new bill. It had the approval of 12 of the 13 members of that committee, some of whom originally would have preferred a much less generous bill than the bill reported by the committee.

The same situation took place on the food stamp bill. With only one member of that committee opposing what the committee did, the Senate overruled the committee and sent a bill over in July of last year to the other body. It was greatly swollen. No action has been taken on it yet, and we have gotten nowhere by overriding the committee action in that manner. And now, it is proposed that the same course be followed in this instance; in other words, that we do away with the action of the Senate committee.

I want to call attention to the fact that the Senator from Louisiana was one of the joint founders of this school lunch program years ago and that year after year he sought to increase the funding and to add to the original bill additional measures of which he was the author, such as the breakfast program and the facility programs, and other programs, which have made the program so much bigger.

I do not think it is sound practice to overrule a committee and the chairman of the committee. The Senator from Vermont (Mr. AIKEN) has stood shoulder to shoulder every time with the Senator from Louisiana in what has been done

in this field. I do not think it is good practice or procedure to overrule the committee and that is what is proposed by this series of amendments.

The second thing I do not like about this is the implication that the committee is not generous in dealing with the school lunch program. The authors of this amendment have very short memories. Last week, the same day this bill was first taken up and immediately before it was taken up, we passed a measure which came out of the Committee on Agriculture unanimously directing that \$30 million be taken out of section 32 funds—a very highly regarded agricultural fund, by the way—to fund for the balance of this year a present deficiency in the funds for the school lunch program. That bill was passed without a dissenting vote on the consent calendar just a few minutes before we took up the bill that is pending now.

Mr. President, to the livestock industry, to the poultry industry, to the fruit and vegetable industries and to the many who produce perishable crops amounting in totality to more than one-half of the agricultural production of this Nation, section 32 is of immense value.

What did our committee do on this \$30 million venture? We could not require an additional appropriation. We called to find if it could be made available without imperiling the carryover fund. When we were advised that there had been few claims on section 32 funds this year the committee unanimously and without a minute's delay voted approval of that bill and it was passed. I do not think that is an act of an ungenerous committee or an inhumane committee. I think, to the contrary, the committee showed itself to be both generous and humane. We cut corners by making it unnecessary to take that matter to the Committee on Appropriations, which would have been the case. Last year we had the same situation in making \$45 million more available. I say more because we had already made \$290 million available out of section 32 funds for the special milk program, for the school lunch program, and for other programs. We added on \$45 million when we found we could do so and still have the carryover at the end of the year. We added on for this very objective.

When we have come out of committee, as we did, with no dissenting vote except one—and that was not a dissenting vote; the Senator from South Dakota said he had three or four amendments he would propose on the floor, and what they would consist of—I think we should uphold the committee and the thinking of every member of that committee, but one. I do not think there is an inhumane member on the committee. I hope the amendment is rejected.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, if no other Senator wishes to speak I am prepared to yield back my time.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. HART. I yield 2 minutes to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I merely want a few minutes to respond to the statements of the Senator from

Florida. First I want to make clear that no one here has suggested that the Committee on Agriculture, on which I am proud to serve, is inhumane. As a matter of fact, I began my remarks, as other Senators have, by paying tribute to the distinguished chairman of that committee and to other members of the committee, and especially the Senator from Georgia (Mr. TALMADGE), who is the author of this very fine bill that we are debating this afternoon.

However, the entire purpose of this sequence of amendments is to strengthen what we recognize as a good bill. I do not think what we have proposed is a reflection on the humanity or generosity of the members of the Committee on Agriculture, but it is a method, a perfectly legitimate and valid legislative process, and a means of strengthening the pending bill, and I refer to the floor of the Senate.

With respect to the statements by the Senator about the use of section 32 funds I appreciate as much as anyone what the committee has done with respect to protecting the real purpose of the program. That is why we asked for funding from other sources; to provide \$250 of additional money, not by taking it out of section 32 funds, not by jeopardizing agricultural interest in that program, but by securing this money under the section 11 part of our school lunch program as a proper place to secure the additional financing that is needed. It would not have been necessary to take \$30 million out of section 32 last week or \$45 million out of that program in 1969 if we had had adequate authorization and appropriation for this program, as to the purpose of the amendment of the Senator from Michigan (Mr. HART) in his amendment, to provide adequate funding and carrying out the functions of our school lunch program.

I hope the amendment is agreed to.

Mr. TALMADGE. Mr. President, if no other Senator desires to speak, I am prepared to yield back my time, if the Senator from Michigan is prepared to yield back his time.

Mr. HART. Mr. President, I yield back the remainder of my time.

Mr. TALMADGE. I yield back the remainder of my time.

The PRESIDING OFFICER. All the time is yielded back. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Ala-

bama (Mr. SPARKMAN), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), and the Senator from Ohio (Mr. YOUNG) are absent on official business.

I further announce that, if present and voting, the Senator from California (Mr. CRANSTON), the Senator from Alaska (Mr. GRAVEL), the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), and the Senator from New Mexico (Mr. MONTOYA) would each vote "yea."

On this vote, the Senator from Texas (Mr. YARBOROUGH) is paired with the Senator from Alabama (Mr. SPARKMAN). If present and voting, the Senator from Texas would vote "yea" and the Senator from Alabama would vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New Hampshire (Mr. COTTON), the Senator from New York (Mr. JAVITS), the Senator from Michigan (Mr. GRIFFIN), the Senator from Iowa (Mr. MILLER), the Senator from Kansas (Mr. PEARSON), the Senators from Illinois (Mr. PERCY and Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

If present and voting, the Senator from Iowa (Mr. MILLER), the Senator from South Dakota (Mr. MUNDT), and the Senator from Kansas (Mr. PEARSON) would each vote "nay."

On this vote, the Senator from New York (Mr. JAVITS) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from New York would vote "yea," and the Senator from Illinois would vote "nay."

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from Illinois would vote "yea," and the Senator from Texas would vote "nay."

The result was announced—yeas 35, nays 36, as follows:

[No. 53 Leg.]

YEAS—35

Brooke	Inouye	Pell
Burdick	Jackson	Prouty
Case	Mansfield	Proxmire
Cook	Mathias	Randolph
Cooper	McCarthy	Ribicoff
Eagleton	McGovern	Schweiker
Goodell	Mondale	Spong
Gore	Moss	Stevens
Harris	Muskie	Symington
Hart	Nelson	Tydings
Hatfield	Packwood	Williams, N.J.
Hughes	Pastore	

NAYS—36

Aiken	Dominick	Jordan, Idaho
Allott	Eastland	Magnuson
Anderson	Ellender	McClellan
Bellmon	Ervin	Murphy
Bennett	Fannin	Russell
Bible	Fong	Scott
Boggs	Goldwater	Smith, Maine
Byrd, Va.	Gurney	Stennis
Byrd, W. Va.	Hansen	Talmadge
Cannon	Holland	Thurmond
Curtis	Hruska	Williams, Del.
Dole	Jordan, N.C.	Young, N. Dak.

NOT VOTING—29

Allen	Hartke	Mundt
Baker	Hollings	Pearson
Bayh	Javits	Percy
Church	Kennedy	Saxbe
Cotton	Long	Smith, Ill.
Cranston	McGee	Sparkman
Dodd	McIntyre	Tower
Fulbright	Metcalfe	Yarborough
Gravel	Miller	Young, Ohio
Griffin	Montoya	

So amendment No. 510 was rejected.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE ASSIGNMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Senate Resolution 338, 88th Congress, second session, appoints the Senator from Georgia (Mr. TALMADGE) to the Select Committee on Standards and Conduct.

NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS AMENDMENTS

The Senate continued with the consideration of the bill (S. 2548) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such acts.

The PRESIDING OFFICER. The bill is open to further amendment.

AMENDMENT NO. 511

Mr. McGOVERN. Mr. President, I call up my Amendment No. 511, and ask that it be stated.

The LEGISLATIVE CLERK. The Senator from South Dakota (Mr. McGovern) proposes amendment No. 511, as follows:

On page 29, after line 6, insert the following: Section 4 of the Child Nutrition Act of 1966 is hereby amended to read as follows:

"SCHOOL BREAKFAST PROGRAM AUTHORIZATION

"SEC. 4. (a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1971, \$25,000,000; for the fiscal year ending June 30, 1972, \$50,000,000; and for the fiscal year ending June 30, 1973, \$75,000,000 to enable schools to initiate, maintain, or expand nonprofit breakfast programs for needy school children.

"APPORTIONMENT TO STATES

"(b) The Secretary shall apportion the funds appropriated pursuant to this section for any fiscal year in accordance with the apportionment formula contained in section 11 of the National School Lunch Act, as amended.

"STATE DISBURSEMENT TO SCHOOLS

"(c) Funds apportioned and paid to any State for the purpose of this section shall be disbursed by the State educational agency to schools selected by it to assist such schools in financing all or part of the operating costs of the school breakfast program in such schools, including the cost of obtaining, preparing, and serving food. The amounts of funds that each school shall from time to time receive shall be based on the need of the school for assistance in meeting the requirements of subsection (d) concerning the

service of breakfasts to children unable to pay the full cost of such breakfasts. In selecting schools for participation in the program, the State educational agency shall give first consideration to those schools with high numbers of children from low-income families and to those schools to which a substantial proportion of the children enrolled must travel long distances daily.

"NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS"

"(d) Breakfasts served by schools participating in the school breakfast program under this section shall consist of a combination of foods and shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research. Such breakfasts shall be served without cost or at a reduced cost only to children who are determined by local school authorities to be unable to pay the full costs of the breakfast. Such determination shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions: *Provided*, That any child who is a member of a household which (a) is eligible to participate in a food stamp or commodity distribution program, or (b) has an annual income equivalent to or less than \$4,000 for a household of four persons shall be eligible to receive meals without cost. The determinations of such income shall be made solely by execution of an affidavit by the member of such household. In making such determinations, such local authorities should, to the extent practicable, consult with public welfare and health agencies. No physical segregation of or other discrimination against any child shall be made by the school because of his inability to pay, nor shall there be any overt identification of any such child by special tokens or tickets, announced or published lists of names, or other means.

"NONPROFIT PRIVATE SCHOOLS"

"(e) The withholding of funds for and disbursement to nonprofit private schools will be effected in accordance with section 10 of the National School Lunch Act, as amended, exclusive of the matching provisions thereof."

Mr. McGOVERN. Mr. President, the principal sponsor of this amendment is the senior Senator from Massachusetts (Mr. KENNEDY), who is unable to be present in the Senate today because of illness. Some nine Senators have joined in cosponsoring the amendment—the same Senators who sponsored the two previous amendments on which the Senate has already acted.

Mr. TALMADGE. Mr. President, may we have order, so that the Senator can be heard?

The PRESIDING OFFICER. The Senate will be in order.

Mr. McGOVERN. As Senators know, a school breakfast program was inaugurated in 1966, largely on a pilot basis, to demonstrate what was already then believed to be a rather certain fact—that school performance is very considerably enhanced when the pupils receive a school breakfast. It was generally known that millions of children from poor families were going to school without breakfast, and that this fact was reflected in very poor performance in the classroom.

So a small investment was made, as I say, largely on a pilot basis, to give some

measurement of the impact of the school breakfast upon health and academic performance. At the present time, we are feeding approximately 200,000 children under this program in some 2,900 schools, which of course means that the overwhelming percentage of youngsters do not even attend schools where a school breakfast is offered, and a rather small percentage of the youngsters of the Nation are participating in the program.

But those who are participating are responding on a scale that has left no doubt at all in the minds of those observing the program that it has been a most worthwhile investment, in terms both of improved health and of improved academic performance on the part of the participating students. To cite one of the witnesses who testified before the Senate select committee on this matter, Dr. Ray Hefner, professor of pediatrics at the University of Maryland, he recounted observations over many years on youngsters in the Baltimore school system, who go to school, in many cases, without any breakfast, and in some cases without lunch.

He said that for the poor families, breakfast is usually the first meal that is sacrificed; and in the Baltimore system, as in other schools that were under observation, behavioral patterns and attention problems were so painful and so dramatic, as contrasted with what happened when a school breakfast program was installed, that no observer could miss the dramatic contrast.

During the fiscal year ending June 30, 1969, we put only \$4.2 million in Federal funds into this program. At present, for fiscal 1970, some \$12 million has been authorized. The President's budget is couched in terms of \$15 million. What is proposed in the amendment by the Senator from Massachusetts (Mr. KENNEDY) and others is that the authorization be increased, in fiscal 1971, from \$15 million to \$25 million, and that that authorization be increased to \$50 million in fiscal 1972, rising to \$75 million in 1973.

In addition, this amendment provides for the same reform guidelines for the school breakfast program that we adopted earlier this afternoon in the amendment I offered to open the debate—in other words, guidelines that would concentrate the major portion of this program on the poorest children, on the neediest children, and on the neediest schools.

I think there is no great point in belaboring this amendment any longer. It is clear that what we are trying to do is to bring about a modest and I think entirely justified increase in funding for the school breakfast program. We have had some 3 years of experience with it. The time has come to begin moving beyond the pilot stage into a somewhat more significant program. We ask for limited amounts of money in a period of 3 years, but it will provide the kind of Federal backup that will enable us to raise the level of participating students from 200,000 to the point, in 3 years, that some three million of the neediest children can benefit from the school breakfast program.

I sincerely hope that the Senate will grant this request to give us an adequate school breakfast program by adopting this amendment.

I reserve the remainder of my time. The PRESIDING OFFICER (Mr. SPONG in the chair). Who yields time?

Mr. TALMADGE. Mr. President, if I may have the attention of the Senate, I think that if all Senators understand what is in this amendment, they will vote to reject it overwhelmingly.

This is what the amendment would do. It would restrict this breakfast program to needy children. It would provide for the use of a different formula for apportioning breakfast program funds to the States. It would provide for financing by the United States of 100 percent of the operating expenses of the program in any and all schools at the election of the State educational agency. It would make any child who is a member of a family eligible to participate in a food stamp or commodity distribution program, or which has an annual income equivalent to or less than \$4,000, for a household of four persons, eligible for a free breakfast. It would require the execution of an affidavit to show their income.

For example, if a man owned \$300,000 worth of IBM stock, he would earn less than 1 percent return on his investment. His child would come to school, and the parents could sign an affidavit saying that he had an income of less than \$4,000. They would put the child in a dining room restricted for poor pupils and feed him at the cost of the taxpayers of the United States. 100 cents on the dollar, and all the other students would point to him and say that he is poor, that his family cannot buy his breakfast.

That is what this amendment provides.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. AIKEN. The Senator has almost answered by question. I was going to ask if the needy children would be required to wear ear tags or license plates.

Mr. TALMADGE. They would be singled out and classified as being poor. This program would be restricted to the poor, and everyone who saw them would look at them and sympathize with the poor, pitiful children to whom the Government is giving breakfast.

Mr. AIKEN. I was going to ask if they would have to wear a license tag so the people could make no mistake in having them branded as poor, needy children.

Mr. TALMADGE. I do not think a license tag is required by the amendment, but these poor students would have to be isolated in a place in which no one else could be served.

Mr. AIKEN. Practically quarantined.

Mr. TALMADGE. Exactly.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to the distinguished Senator from Arizona.

Mr. GOLDWATER. Could the Senator tell me the process by which the families would be identified as having incomes under this amount?

Mr. TALMADGE. The school would have to take a census monthly, under the criteria of the first McGovern amendment that was agreed to, to deter-

mine those families that earned less than \$4,000 a year, regardless of their assets. If a man had assets of \$100 million and had income of only \$3,999 a year, regardless of the fact that he lived on a farm and raised chickens and cattle and peas and wheat and lived very well, the Government would have to pay 100 cents on the dollar to feed his children in a poor folks' cafeteria in that particular school.

Mr. GOLDWATER. Is this not something like the means test?

Mr. TALMADGE. It is the means test. As a matter of fact, he would have to execute an affidavit stating that he did not earn \$4,000 a year. A census of the families would have to be taken once every month to make sure they did not earn \$4,000 a year. Every time a family moved, they would have to execute a new affidavit to demonstrate how poor they are, so that their children could get the poor folks' breakfast.

Mr. GOLDWATER. Does the Senator recall the days we served together when the means test would bring the loudest cries from the liberals that one ever heard?

Mr. TALMADGE. I do, indeed. To my mind, the means test always has been degrading. A child would have to get an affidavit from his parents and bring it to school. It would say that this is a poor family. He would be isolated and put off somewhere, in what would be referred to as the poor folks' cafeteria, and he would be fed in the poor folks' cafeteria.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield.

Mr. DOLE. Mr. President, I think the broader question involved was just discussed in great detail about the lack of funding for the school lunch program. Now we are talking about enlarging the school breakfast program, before we have even assured that every child in America will have a hot lunch.

It appears to me that, despite our desire to do what we should in this area, we recognize, as has been stated by almost every Senator in the Chamber, by the President, and by others, that some time this year we will provide a lunch for every needy child in America. If we are going to drain off some of these resources to start a breakfast program, I think we may as well face the fact that what we are really talking about is a nationwide breakfast program for every child in America coupled with a nationwide lunch program and, perhaps in a few years, a nationwide evening meal.

The point is this: Should we not establish some priority? And have we not established a priority that, first of all, we certainly can have a lunch? This is what we discussed in the committee and on the Senate floor.

In addition, I would agree that we say to the person who can pay for part of a meal, "You are not eligible. You have to be in the needy class. You have to have the affidavit signed. If you can pay for a portion of your breakfast, you can't have a breakfast. If you can't pay anything and if your parents sign an affidavit on a weekly or a monthly basis that they have less than \$4,000 income,

then you will be eligible for a free breakfast."

But I would hope that the amendment would be rejected on the basis outlined by the Senator from Georgia.

Mr. TALMADGE. I thank the distinguished Senator from Kansas, who is a member of our committee.

Mr. President, I am a strong supporter of the school breakfast program, but I think this amendment goes about it in a very poor way. This program, begun as a pilot project with the enactment of the Child Nutrition Act of 1966, has proved to be extremely beneficial when school districts have chosen to use it.

Let me say, for the benefit of the Senate, that that program was initiated by the Committee on Agriculture and Forestry. I say to those Senators who have any doubt as to the humanitarian motives and principles of the committee that it was initiated by that committee.

I have visited some of those programs in Georgia.

During my tour of school lunch programs in Georgia, I visited Alexander II Elementary School in Macon, Ga., and watched a good breakfast program in action. No one who has stood, as I have stood, in this school and watched eager little children file in to eat their breakfast could doubt that the breakfast program has tremendous merit.

The teachers and administrators in this school were extremely enthusiastic about the breakfast program. They stated that the children were much better behaved and more responsive after having a good, nutritious breakfast.

Although I feel that the breakfast program should be expanded, I do not agree with the way the Senator from South Dakota's amendment would accomplish the expansion.

The program has a number of glaring flaws, some of which I have already pointed out on the floor of the Senate. First, under amendment No. 511, the program would be restricted to needy children. At present, the breakfast program is open to all children. Those who can pay for their breakfast pay. Those who cannot pay get their breakfast free.

I have considered one of the most important features of S. 2548 to be the prohibition against overt identification. If the school lunch program and the school breakfast program are to be fully effective, there must be no barriers which prevent full utilization of free and reduced price lunches by the children who need them. S. 2548 amends section 4 of the Child Nutrition Act, the section which authorizes a school breakfast program, to read:

Nor shall there be any overt identification of any such child by special tokens, announced or published list of names, or other means.

That is what the Senate committee bill did.

Under the present amendment, the child who takes advantage of a school breakfast program would be instantly singled out as a "poor" kid. If I am any judge of human nature, a great many children would have too much pride to get their school breakfast, even though they might really need it. So that the

breakfast program that could be furnished under this amendment would be for poor kids. There are some who would not want to march into school and say, "I am a poor kid; feed me." It would embarrass them.

The Senator from South Dakota has been ambitious in his attempt to change the school breakfast program. Under Amendment 511, the Federal Government would finance 100 percent of the operating expenses of the school breakfast program in any or all schools at the election of the State educational agency. One reason the school lunch program has been so effective is that it is worked on the principle of Federal, State, and local cost sharing and cooperation. The Senator from South Dakota would have the Federal Government underwrite the full operating cost of breakfast programs. Already, under the Child Nutrition Act of 1966, the Federal Government is authorized to pay up to 80 percent of the total program cost in situations of severe need, with appropriate justification from the schools.

Under a system where the Government pays 100 percent of the cost, there is little incentive to hold costs down. I believe that the efficiency of operation and economy would suffer under such a program.

Perhaps the most objectionable feature of amendment No. 511, is the establishment of a national uniform eligibility standard. Under the terms of this amendment, any child from a family which has an income equivalent to or less than \$4,000 for a household of four persons, would be eligible for a free breakfast.

In a country where costs of living vary as much as they do in the United States, I believe it is folly to attempt a national uniform eligibility standard. A family of four on a small farm in Georgia might do quite well on \$4,000 of income. In fact, they might be considered affluent in some neighborhoods. The same could be true in Tennessee, Vermont, and other States. But, in New York an income of \$6,000 a year might be considered too low. That is why this should be left at the local level.

A family on a farm, where they have cattle, pigs, chickens, and a garden where they could grow corn and wheat, could live extremely well on a modest income. But if we have a family living in an apartment in New York City, Philadelphia, or Chicago, \$6,000 a year might be an extremely modest income.

So why try to establish a national uniform clause here that would be meaningless as to what a person might do. I hope that the Senate will reject any such idea. That is what we should do. But, more important than that, even this criteria is tied to income. As I pointed out a moment ago, one could have \$300,000 worth of IBM stock and still his income would be less than \$3,000. His children would be eligible for a free breakfast, and when they went to school, they would be singled out in the dining room as coming from a poor family.

Furthermore, it appears highly likely that many families who have incomes of less than \$4,000 would not permit their

children to be stigmatized by participating in a program which is available to the poor only. Under the terms of amendment No. 511, determinations of income are made solely by execution of an affidavit.

I know that in my own State of Georgia most working families who earn less than \$4,000 per year have too much pride to sign an affidavit saying they are poor.

According to the U.S. Department of Commerce, 46.5 percent of the families in the South had an income of less than \$4,000 per year in March 1960. I doubt that we would get nearly half the families in the South to sign a pauper's oath. Also in March of 1969, 26.2 percent of the families in the Northeast had incomes of less than \$4,000 per year. I am not so familiar with the Northeast as I am with my own region, but I do not believe we would get 26.2 percent of the families in the Northeast to sign an affidavit saying they are poor.

In attempting to expand the school breakfast program, the Senator from South Dakota would transform it into a welfare handout. In transforming it to a welfare handout, he would destroy it.

Mr. President, I hope that the Senate will reject as foolhardy an amendment such as this one.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Georgia ask for the yeas and nays?

Mr. TALMADGE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOLLAND. Mr. President, will the Senator from Georgia yield?

Mr. TALMADGE. Does the Senator wish me to yield him time or just to yield for a question?

Mr. HOLLAND. Just long enough to read from the amendment.

Mr. TALMADGE. I yield.

Mr. HOLLAND. Mr. President, I just wish to read generally with reference to the qualifications from the amendment:

Provided, That any child who is a member of a household which (a) is eligible to participate in a food stamp or commodity distribution program, or (b) has an annual income equivalent to or less than \$4,000 for a household of four persons shall be eligible to receive meals without cost.

And then this, Mr. President:

The determinations of such income shall be made solely by execution of an affidavit by the member of such household.

Mr. President, I yield the floor.

Mr. COOPER. Will the Senator from Georgia yield me some time?

Mr. TALMADGE. How much time? Four minutes?

Mr. COOPER. Yes. I intend to vote against the amendment.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 4 minutes.

Mr. COOPER. Mr. President, my reason for voting against the amendment is not the same as that of the Senator from Georgia. I voted for the last amendment to authorize more money for the school lunch program. I did so, because I had read in the committee that of some 9 million schoolchildren eligible to receive free lunches, over 6 million were not able

to pay the cost at all, or were not able to pay the cost they were asked to pay. That is the reason I voted for and supported the last amendment, for if we are going to provide free lunches for all children, above all we should take care of the economically depressed.

When the pilot breakfast program was inaugurated, I happened to be serving on the Committee on Agriculture and Forestry. It has been a pilot program, in my State, which has fared well. Last year under the program, 194,930 children received breakfasts. Out of that number, approximately 25 percent received a free breakfast. I assume that the school authorities determined that 45,000 schoolchildren in Kentucky are so poor that they could not pay anything. I assume that the Senator from South Dakota's amendment is reaching for, approximately 25 percent—the poorest children. But if \$250 million additional is required to take care of the children's free lunch program, to provide for those children in the program who cannot pay required costs then the figure of \$25 million he requests in fiscal year 1970 for the breakfast program is totally inadequate. Authorities would be forced to select the poorest of the poor and leave the other poor children out. I must say, with all due respect—because I know the Senator has a good objective—that it would be totally inadequate to meet the needs of the free or reduced-price breakfast program.

Mr. C. E. Bevins, director of Kentucky school lunch program, who operates that program in Kentucky, has told me that he considers the breakfast program is, in some respects, more valuable than the free lunch program. When the children come to school in the morning, and have a good breakfast, they start off the day with energy and work better and learn more than they do in the afternoon, after the school lunch. It is necessary for the development of an adequate mind and body.

I hope that some time in the future we will have such a complete program, for those who are poor and unable to get a nutritious breakfast—and one that begins with pre-school children, all of them.

I agree with the Senator from Georgia that children who come from a farm, are more likely to have a good breakfast. However, in many places children cannot.

I notice the program provides for the operating costs to be paid out of the fund even 100 percent. I do not know how this can be done and still have free breakfasts in the rural sections of this Nation.

I do not complain because many write about our poverty. Poverty does exist in Kentucky in many rural sections. But we work at it and do have a good school lunch program, and breakfast program, and the State, local communities, and recipients help pay the bill.

The trouble is that some of the rich States—New York, Massachusetts, Pennsylvania, and others—do not support as poorer states do in the provisions of facilities for a free lunch program.

I oppose the amendment as written

because it would allow these States to escape supporting costs, and every recipient to have a free breakfast—even though able to pay for part of the cost.

I really hope to see a good breakfast program. However, this amendment does not provide the funds for a good program and it has the defects I have stated.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 2 minutes.

Mr. SCOTT. Mr. President, I am very anxious to see a good program established also. I supported the school lunch programs and other programs of this sort.

What disturbs me is to have this called a means test.

I have never heard the term "means test" used before without the adjective "infamous."

Would the Senator tell me whether he finds this as the interposition of a means test?

Mr. COOPER. Mr. President, actually, in the school lunch program, school authorities have to make a determination as to which children should have free lunches. So, in effect they make a means test. However, I think that to require some poor parents—many of them whom are ignorant and uneducated—to come in and make an affidavit and have a notary public acknowledge the affidavit is going too far.

Mr. SCOTT. Mr. President, to establish a breakfast program under the pending amendment, the children who get breakfast would be segregated from the rest of the children.

Mr. COOPER. The Senator is correct. But I am not so much worried about that if the child is hungry. I would rather the child have something in his stomach.

Even today in the school lunch programs, poor children may be going up to get lunch at the end of the line.

Those who pay for lunch may be in the front of the line, and those who pay less or who pay nothing may have to stand back. So they are marked in a way.

I think it is the important issues is that they get food.

Mr. SCOTT. Does the Senator agree that it would be better to have them fed and not segregated?

Mr. COOPER. I agree.

Mr. McGOVERN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 5 minutes.

Mr. McGOVERN. Mr. President, I have been amazed by some of the answers that have been offered by Senators in objection to the amendment.

First of all, a strenuous complaint has been registered about the so-called means test, as though we were suggesting in the amendment that some kind of means test was going to be introduced that we had not had in the past to deal with the poor children.

Listen to the language in the committee bill with the amendment:

Breakfasts served by schools participating in the school breakfast program under this section shall consist of a combination of foods and shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research. Such breakfasts shall be served without cost or at a reduced cost only to children who are determined by local school authorities to be unable to pay the full costs of the breakfast. Such determination shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions:

This is the amendment. This is the means test.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. TALMADGE. Mr. President, will the Senator read further on line 20 of the amendment:

The determinations of such income shall be made solely by execution of an affidavit by the member of such household.

Mr. McGOVERN. That is the provision in the amendment that is pending. That is what I propose.

Mr. TALMADGE. That is not in the bill. That is the Senator's amendment. That is a means test by affidavit.

Mr. McGOVERN. Mr. President, as a matter of fact, would it not be much more dignified for a family to simply set forth by affidavit that their income is below \$4,000 than to use the test provided in the bill?

Mr. TALMADGE. I do not think it is.

Mr. McGOVERN. Mr. President, this would require school authorities to identify which children are poor and which are not.

Mr. TALMADGE. Mr. President, I think the local people at the local level can make a better determination than by going around and having people swear to an affidavit once a month.

Mr. McGOVERN. This would not have to be done once a month.

Mr. TALMADGE. The people can determine pretty well the children that come from neglected families.

Mr. McGOVERN. The Senator from Georgia painted a picture of the awful experience of identifying the poor children. He proposes to do it by providing some method of finding out the income of those families so that the children can be certified.

I am saying that there is no more dignified way than to let the family sign a statement saying that their income is below \$4,000.

What could be more dignified and a more gracious way of handling the program than that?

Under the Senator's proposal, it virtually leaves it to the school authorities to make that judgment.

Within a single State there are situations where a family on an income of \$2,000 is qualified to receive a free or reduced price meal. In other parts of that same State, the figure is \$4,000; and in some cases, if a family is on welfare it is not qualified at all, while in other parts it is. There is this hopeless tangle

of regulations which make it impossible for a reasonable determination to be made.

What is envisioned in this amendment is a simple declaration on the part of the family that their income is below a certain level.

Mr. TALMADGE. I do not know of any other area of activity where we require an affidavit from an individual about his poverty, unless it is a pauper's affidavit that is filed when one files a petition in bankruptcy or in some other legal proceeding. I know of no other instance where there is such a demand. In old age assistance it is not done.

I think it is much more demeaning than it would be to have an independent investigation by teachers or the faculty, or those designated by the school board with respect to whether the child needs a free lunch or a reduced cost lunch, or a free breakfast or a reduced cost breakfast, and to make a determination as to who can pay and who cannot pay.

Mr. McGOVERN. Mr. President, I am at a loss to understand the Senator's logic with respect to why he feels it would be more dignified to have someone snooping around to find out what that family is earning, or to have some welfare worker prying into the affairs of the family to find what the income level is, rather than to let the family do it.

I might say to the Senator that in the President's new welfare reform proposal, which I believe we will be debating later this year, he suggests that welfare be determined by a simple affidavit of the family. I think that is the dignified and the modern way to do it.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGOVERN. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. MONDALE. Mr. President, as I understand it, the issue being discussed now is an old one that has been with us in welfare programs around the country for years. The question is how to be sure that the public Treasury is being properly protected and at the same time protect the dignity of those who must rely on welfare assistance in the process of providing it to them.

Am I not correct that the filing of an affidavit permits this to be done in the most efficient manner with the least embarrassment to the recipient, and that figures have shown modest and infinitesimal losses of funds to persons who are ineligible?

Mr. McGOVERN. I think the Senator is absolutely correct that the use of a simple affidavit filled out privately by the individual in which he establishes his claim is much more dignified and a simpler method than the present hodgepodge of systems used in various States and it represents a step forward.

Mr. MONDALE. I understand the record sets forth several examples in which local organizations establish committees

to go into the home, ask questions, interrogate the family and investigate. One school board made use of a PTA committee. They would go in the homes and ask many questions. The record shows many other examples around the country of humiliating, degrading, and stooping tactics. All of us assume the poor are trying to chisel and all of us would permit investigations that are so bad that people would rather starve than be exposed to that kind of treatment.

Mr. McGOVERN. I think the Senator's point is well taken. When we file our income tax returns we do that on the basis of an affidavit. Occasionally someone comes around and asks us but the average citizen files his return based on his word. We are using that term for children entitled to free or reduced-price lunches.

Mr. MONDALE. Am I not correct that the key issue is not so much those who are fortunate, but rather, the real issue here is whether we wish to increase this Nation's commitment to expanding the school breakfast program and making it possible for the poorest of the poor to participate?

Mr. McGOVERN. The Senator is absolutely correct. That is why I was puzzled by the argument of the Senator from Kentucky a while ago that he was inclined to vote against the amendment.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McGOVERN. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. McGOVERN. I was puzzled by the argument of the Senator from Kentucky that he was inclined to vote against the amendment because it would not provide enough for the school breakfast program. He suggested going from \$15 million to \$25 million in fiscal 1971; and then \$50 million and then \$75 million was not enough money to give us an adequate school breakfast program, and he may be right. It is no reason to say we are better off with \$15 million because \$25 million is not enough.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. COOPER. Mr. President, I anticipated the argument. The Senator has not properly interpreted my remarks, although I probably did not make my remarks clear enough.

In his amendment, the Senator provides for as much as 100 percent of the cost of operating out of the authorization. I pointed out that I do not think this is correct. I have studied the school lunch program and the breakfast program.

I cannot understand when poorer States, including my State, pay their share—and I have looked into the situation in my State—why is it that the richer States do not share their part of the operating cost. Why should the rest of the country pay the sum total operating costs of the program of these States?

The breakfast program can be as good or a better program than the school lunch program. Rather, in his amendment the

Senator would provide for 100 percent of operating costs and allow all recipients to have free breakfasts. Much attention is directed to poverty all over the Union, including my State. That is correct. But when we began to look at this problem several years ago, I found that many of the big cities of our country do not have adequate food programs at all, much to my surprise.

In some of the larger cities the figures are as follows: Baltimore, 22 percent; District of Columbia, 25 percent; Jersey City, 21 percent; Houston, 9 percent. The list goes on and on. Yet this amendment would require the rest of the country to pay their operating cost.

I will vote for a properly conceived school breakfast program, but I do not think this one is.

Mr. MAGNUSON. Mr. President, will the Senator from South Dakota yield to me?

Mr. McGOVERN. I yield.

Mr. MAGNUSON. I was going to pursue what the Senator from Kentucky just pursued, and suggest that I think the amendment is perfectly all right; that in the beginning, as we move along, why should there not be some local participation? I understand the school lunch program and favor it. Everybody is eligible. But why should the amount of Federal participation not be 80 percent? I would still vote for an increase in the amount of the authorization, but why should not the Federal participation be limited to 80 percent so there would be a little local responsibility in the matter?

In appropriating moneys under the education programs, I find that where there is no local participation at all the tendency is for the programs not to be managed as well as when there is some local participation. In the latter case the local officials watch the programs closely and make their decisions more carefully.

The school breakfast program has many other values, but it is a sensitive matter with respect to some families, and some problems must be anticipated.

Perhaps the Senator from South Dakota does not have the permission of the Senator from Massachusetts to modify his amendment, but I believe it would make the amendment more acceptable to some of us who would like to go along with this program if the Federal Government were not required to pay 100 percent of the cost. If there is some reasonable local participation, I feel the amendment will be greatly improved.

It may be that as we progress and there is additional proof that more money should be involved, the Federal Government may increase its funding. If it is a good program, we will furnish more money.

I can see where there may be some abuse and people will be questioned and they may say the wrong thing, or people may be reluctant to sign such an affidavit, as the Senator from Georgia suggested. It is not really an affidavit; it would be merely a statement. Making an affidavit would require payment of a fee, which might cost more than the benefit.

Mr. TALMADGE. Mr. President, if the Senator will yield, the amendment provides that there shall be an affidavit, which means that the person would have

to sign before a notary public and pay him a fee.

Mr. MAGNUSON. So I would hope the amendment might provide for local participation, even if it were on the basis of 90-10 percent.

Mr. President, it is getting rather late in the evening, but I merely wanted to add this because, as I was listening to the Senator from Georgia, I could not help but think there could not be a possible conflict of interest on the part of the Senator from Georgia, because there is nothing better than a Talmadge breakfast of ham and eggs.

Mr. TALMADGE. Mr. President, I appreciate the commercial very much.

Mr. McGOVERN. Mr. President, to respond to the comments of both the Senator from Kentucky and the Senator from Washington with regard to this provision in the amendment, the first thing I want to state about it is that it is not a mandatory requirement. It permits the Secretary of Agriculture, in those cases where he finds a State is unable to pay for part of the operating cost of this program, to authorize full payment of it with Federal funds.

I think it goes without saying that, operating with the limited funds that the Senator from Kentucky and I both agree would be available, there would be great competition for those funds, and no Secretary of Agriculture will treat that authority lightly. The chances are that authority might not be used at all. It certainly would be used sparingly.

If some States were willing to pay 20 percent of the cost, or some portion of the cost, I cannot conceive of a Secretary of Agriculture using those limited funds in States where there was a refusal to do anything at all in the way of making a contribution to the program.

What we discovered is that in certain States, especially in the South—the Senator talked about wealthy northern States—there was a reluctance to pay participation costs, and funds were diverted from title I of the Elementary and Secondary Education Act to finance the cost of the school lunch program. As the Senator knows, that was done on a rather significant scale. It was to head off the use of education funds that it seemed wise to make a provision whereby, if a State could not pay any part of the cost of setting up this program, the Secretary of Agriculture, if he so desired—not by compulsion, not by mandatory requirement—could, in those cases, pay the entire cost.

I also want to remind the Senate that we adopted a provision with regard to the school lunch program—I believe the Senate voted for it earlier this afternoon—to provide that the Secretary of Agriculture could pay for the full cost in those areas where the States were unable to do so.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. MAGNUSON. Mr. President, I am going to make a motion to amend the amendment of the Senator from South Dakota. I have not had a chance to write it all out, but I think it can accomplish the purpose if I state that it would strike out lines 9 through 25 on page 2.

I ask unanimous consent that I may offer that amendment.

Mr. ALLOTT. Mr. President, I object. The PRESIDING OFFICER. Objection is heard.

Mr. MAGNUSON. I could wait and do it afterward.

The PRESIDING OFFICER. The Chair will state to the Senator from Washington that, in the absence of a unanimous consent, the motion to amend the amendment of the Senator from South Dakota would not be in order until all the time has expired under the unanimous-consent agreement on that amendment.

Mr. MAGNUSON. Mr. President, I would like to present this amendment to the amendment. Will it be in order after all time has expired on the pending amendment?

The PRESIDING OFFICER. The Senator is correct. He can do it either at the expiration of all time or after all time has been yielded back.

Mr. ALLOTT. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. The objection is withdrawn.

Mr. AIKEN. Mr. President, may I ask the Senator a question? Would his amendment or modification remove either the segregation part or the means test?

Mr. MAGNUSON. No; this amendment would remove the 100-percent provision and make it an 80-20 program.

Mr. AIKEN. It would still leave the means test and segregation part in it?

Mr. MAGNUSON. Yes.

Mr. President, I ask unanimous consent to submit an amendment to the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MAGNUSON. I move to amend the amendment by striking lines 9 to 25 on page 2 and inserting the following language which appears on page 41 of the committee's report, section 4(c) and (d). The whole section relates to the State distribution for schools.

Let me explain it very briefly. It would provide for financial assistance by the Federal Government up to 80 percent, and the other 20 percent would have to be taken care of by the local governments.

Mr. MURPHY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The clerk will state the amendment.

Mr. MURPHY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. After the amendment is stated, the Chair will entertain a parliamentary inquiry.

Mr. MURPHY. It has to do with the amendment.

The PRESIDING OFFICER. The amendment must be stated, and then the Chair will entertain a parliamentary inquiry.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Washington proposes an amendment to the amendment, to strike out lines 9 through 25 on page 2 and insert subsections (c) and (d) of the committee report appearing on page 41.

The amendment to the amendment is as follows:

In the amendment No. 511, by Mr. McGovern, for himself and other Senators, on page 2, strike out lines 9 through 25 and insert:

"STATE DISBURSEMENT TO SCHOOLS

"(c) Funds apportioned and paid to any State for the purpose of this section shall be disbursed by the State educational agency to schools selected by the State educational agency, to reimburse such schools for the cost of obtaining agricultural and other foods for consumption by needy children in a breakfast program and for the purpose of subsection (d). Such food costs may include, in addition to the purchase price, the cost of processing, distributing, transporting, storing, and handling. Disbursement to schools shall be made at such rates per meal or on such other basis as the Secretary shall prescribe. In selecting schools, the State educational agency shall, to the extent practicable, give first consideration to those schools drawing attendance from areas in which poor economic conditions exist and to those schools to which a substantial proportion of the children enrolled must travel long distances daily.

"(d) In circumstances of severe need where the rate per meal established by the Secretary is deemed by him insufficient to carry on an effective breakfast program in a school, the Secretary may authorize financial assistance up to 80 per centum of the operating costs of such a program, including cost of obtaining, preparing, and serving food. In the selection of schools to receive assistance under this section, the State educational agency shall require applicant schools to provide justification of the need for such assistance."

Mr. MURPHY. Mr. President, I would like to inquire about the amount of time that may be permitted on the amendment. Is it the full length of time?

The PRESIDING OFFICER. Pursuant to the Chair's understanding of the unanimous-consent agreement, the time will now be 1 hour—

Mr. MAGNUSON. Mr. President, I can explain it in half a minute.

The PRESIDING OFFICER. One hour on each amendment to the amendment. So it would be 30 minutes to a side.

Mr. MURPHY. One hour on the amendment to the amendment?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 5 minutes on the pending amendment, the time to be equally divided between the Senator from Washington (Mr. MAGNUSON) and the Senator from Oregon (Mr. HATFIELD), or whom-ever he designates.

The PRESIDING OFFICER. Is there objection?

Mr. MURPHY. Mr. President, reserving the right to object—and I shall not object—is my understanding correct that now there will be 5 minutes on each side, on the amendment to the amendment?

The PRESIDING OFFICER. The Chair's understanding of the unanimous-consent request by the majority leader is that there be a total of 5 minutes, and I would assume that would be divided, 2½ minutes to each side.

Mr. ELLENDER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. Who yields time?

Mr. TALMADGE. Mr. President, I yield

5 minutes on the amendment to the distinguished chairman of our committee.

Mr. ELLENDER. Mr. President, I have been chairman of the Agriculture Committee now for quite some time, and have seldom seen us write a bill on the floor of the Senate that was not considered by the committee as part of the whole bill now before the Senate.

There is nothing in the bill or the hearing record with respect to the breakfast program. This bill does not deal with the breakfast program at all. I fostered the breakfast program on a pilot basis 3 or 4 years ago, and I know what I am speaking about.

Mr. TALMADGE. Four years ago, in 1966.

Mr. ELLENDER. Four years ago. That program which is a pilot program, has been working very well, and it strikes me that before amending it we should have hearings and use that as a basis for any desirable changes.

Here we are, trying to take the breakfast program and rewrite it altogether on the Senate floor. I think that is the wrong way to legislate. Here we are, Mr. President, as pointed out by the distinguished Senator from Kentucky, with the entire cost of this program to be borne by the Federal Government.

What made the school lunch program work well was the fact that we had full cooperation with the Federal Government by the people at the local level. But here we are, considering the breakfast program, which is now operating on a cooperative basis, and it is sought to make it, according to the amendment before us, totally supported by the Federal Government. That means that every State will have the opportunity to take care of its poor on the breakfast program, but the funds may not be sufficient. This amendment, Mr. President, if adopted without hearings and due consideration, I think is wrong. It should be studied, and we should take into consideration all that we have learned from the pilot program that has been on the books now for 4 years.

To me, it looks as if the Committee on Agriculture and Forestry is being overlooked. It does not appear that the committee is being done justice, to have worked on the pending bill diligently, and come out unanimously with the bill that is now before the Senate, and for the Senator from Massachusetts, through the Senator from South Dakota, to put in an amendment that totally changes the breakfast program which was not even considered by the committee at this time. The authorization for that program expires at the end of fiscal 1971.

The point I wish to make, Mr. President, is that the matter now being discussed has not been considered at all, and has not been studied at all, by the Committee on Agriculture, which is the permanent committee which has jurisdiction over the program. I think it is out of order for us to try to write a new breakfast program in which the Federal Government will pay the entire cost.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. Mr. President, I have an amendment pending.

The PRESIDING OFFICER. The Senator is correct, and he has 30 minutes of time under the unanimous-consent agreement.

Mr. MAGNUSON. Mr. President, the amendment I suggest is to bring the formula back to what the committee recommended, as shown on page 41 of the committee report, by restoring the proportions recommended by the committee, 80 Federal and 20 local, for distribution to the schools. That is all it would amend and it should not indicate any opposition to the McGovern-Kennedy amendment.

Mr. McGOVERN. Mr. President, will the Senator yield me 1 minute?

Mr. MAGNUSON. I yield.

Mr. McGOVERN. I am perfectly willing to accept the Senator's amendment to my amendment, or the amendment that is pending.

I do wish to say, however, in all deference to the Senator from Louisiana, that we have nearly 100 percent Federal funding—at least 80 percent—of the breakfast program today. But I am perfectly willing to accept the amendment.

The PRESIDING OFFICER. Is time on the amendment yielded back?

Mr. MAGNUSON. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington has yielded back his time. The time on the other side is controlled by the manager of the bill.

Mr. TALMADGE. No; this is an amendment to the amendment.

The PRESIDING OFFICER. Or by the majority leader.

Mr. MANSFIELD. Mr. President, I yield back the time.

Mr. COOPER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. COOPER. Is the pending business the amendment offered by the Senator from Washington?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Washington to the amendment, No. 511, offered by the Senator from South Dakota. All time having been yielded back, the question is on agreeing to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment, No. 511, offered by the Senator from South Dakota (Mr. McGOVERN), as amended.

Mr. COOPER. Mr. President, I wish to offer an amendment.

Mr. MANSFIELD. Is it an amendment to the amendment?

Mr. COOPER. It is an amendment to the amendment; yes.

The PRESIDING OFFICER. The Chair advises the Senator from Kentucky that it will require unanimous consent for him to offer an amendment to the pending amendment of the Senator from South Dakota, as amended.

Mr. COOPER. Before I ask unanimous consent, perhaps the Senator from South Dakota would like to know what I am going to offer, so I will state my proposed amendment. If he will look at his amendment, on page 3, line 20, my amendment

would place a period after the word "meals," and then strike the words "without cost. The determination of such income shall be made solely by execution of an affidavit by the member of such household."

I ask unanimous consent to offer the amendment to the amendment of the Senator from South Dakota.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. COOPER. The explanation of my amendment is as follows: By striking the two words on line 20 at the end of the sentence, "without cost," it would leave to the discretion of the school authorities to determine if recipients were able to pay a part of the cost. In my State, some pay 5 cents for their breakfasts, some pay more. Some pay nothing. The first purpose, is leave to the discretion of the school authorities to determine whether a child or his parents can pay any part of the cost of the breakfast.

Then, as to striking the words "The determination of such income shall be made solely by execution of an affidavit by the member of such household," I think the purpose is apparent—to do away with the necessity for these people to make an affidavit. The determinations are always made by the school authorities, anyway.

The PRESIDING OFFICER. Would the Senator from Kentucky send his amendment to the desk, in order that the clerk might report it?

Mr. COOPER. I will have to write it out.

Mr. WILLIAMS of Delaware. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WILLIAMS of Delaware. How much time remains on the McGovern amendment?

The PRESIDING OFFICER. Thirty-nine minutes—18 minutes to the Senator from South Dakota and 21 minutes to the manager of the bill, the Senator from Georgia.

Mr. WILLIAMS of Delaware. If they have completed debating it, I would suggest that they yield back their time, and then we can consider these amendments in an orderly procedure. Why not yield back the time on the McGovern amendment? Then we can conclude this matter.

Mr. MANSFIELD. I am prepared to yield back the time I have on the Cooper amendment to the amendment.

Mr. WILLIAMS of Delaware. I mean on the McGovern amendment.

Mr. McGOVERN. I could not agree to that.

Mr. WILLIAMS of Delaware. I would object to any unanimous-consent agreement, then.

Mr. COOK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Chair would first say to the Senator from Delaware that his objection is not timely as to the amendment of the Senator from Kentucky.

Mr. WILLIAMS of Delaware. It is as to limiting the time, though; is it not?

The PRESIDING OFFICER. No. The Chair would state to the Senator from Delaware that, pursuant to the existing

unanimous-consent agreement, when an amendment is offered to an amendment, it has to have unanimous consent to be offered; but, if offered, the time is set by the existing unanimous-consent agreement, which is 1 hour, to be divided between the majority leader and the proponent of the amendment. The time for objection would have been at the time the Chair asked for it, when the Senator from Kentucky offered his amendment.

Approximately 28 minutes now remain to the Senator from Kentucky and 30 minutes to the majority leader, on the amendment to the McGovern amendment.

Mr. MANSFIELD. Mr. President, could we have the amendment of the Senator from Kentucky to the amendment read?

The PRESIDING OFFICER. The Chair is trying to arrange that.

The assistant legislative clerk read as follows:

In the amendment No. 511, to S. 2548, by Mr. McGOVERN, for himself and other Senators, on page 3, line 20, after the word "meals", insert a period and strike out "without cost. The determinations of such income shall be made solely by execution of an affidavit by the member of such household."

Mr. COOPER. Mr. President, on line 20 I would place a period after the word "meals." I would strike the words "without cost. The determinations of such income shall be made solely by execution of an affidavit by the member of such household." I strike all that language, including the two words in line 20, "without cost." By striking the words "without cost," it is left to the authorities to determine whether schoolchildren are able to pay any part of the cost of breakfast. The remainder of the language stricken would remove the condition of making an affidavit.

In practice, the school authorities now determine by various criteria whether or not schoolchildren shall be relieved of any part of the cost of either school breakfast or school lunch.

The PRESIDING OFFICER. Who yields time?

Mr. MANSFIELD. I yield back the remainder of my time.

Mr. COOPER. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment is yielded back. The question is on agreeing to the amendment of the Senator from Kentucky to the amendment of the Senator from South Dakota.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. Who yields time on the McGovern amendment, as amended?

Mr. HOLLAND. Mr. President, will the Senator yield me 3 minutes?

Mr. TALMADGE. I yield 3 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, I strongly object to the adoption of the McGovern amendment, although I completely recognize the good intentions of the Senator from Washington and the Senator from Kentucky.

I invite attention to the fact that they are about to set up a second breakfast program. We have not knocked out the breakfast program that is already on the

books, and the breakfast program as included in this bill, where it has no place at all—and on which no hearings have been held—will be a second breakfast program, different in various particulars from the one that is on the books.

If confusion can be worse confounded, I do not see how that could be done. So far as I am concerned, I completely agree with the Senator from Louisiana that is unsound practice and confusing practice to consider here, at this time, a breakfast program which has not been heard by the committee, which does not take advantage of the experience we have had under the pilot program which has been in effect for 4 years, and which, if it is adopted, will be a different program and even a second program from the one that is already on the books.

I do not think that is good practice. I think it is the very essence of bad practice to write such a program, such an additional program, on the floor of the Senate.

I hope that the Senate will not approve the second breakfast program, which is what it will be if adopted, without hearings, as a part of this very carefully prepared bill.

The PRESIDING OFFICER. Who yields time?

Mr. McGOVERN. I yield myself 2 minutes.

Mr. President, I agree wholeheartedly with the Senator from Florida that we have now so completely confused the language of this amendment that there is really no point in taking a vote on it. I ask unanimous consent that I be permitted to withdraw the amendment.

Mr. MANSFIELD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MANSFIELD. Mr. President, I am sorry that we have come to this pass after being on the job for 6 hours today. I am hopeful that the straightening out of the matter can come within the time left, rather than starting anew and having to go through another hour and a half.

I must report to the Senate—I must reiterate—that we have at least three other amendments following this; that we have a bill dealing with the security of the White House and the embassies in this city; that we have a bill dealing with an extension and expansion of the Hill-Burton Hospital Act, which is very important; that we will have an HEW appropriation bill later this week; that we will have the very important aviation bill.

I am hopeful that we can get these matters out of the way this week; because—I must repeat—beginning next week, with the Voting Rights Act, with the Carswell nomination, and with other measures coming up, we are going to be delayed and will be considering items longer than I like. But that is the way things turn out.

So, Mr. President, if there is not further business—

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. McGOVERN. Let me say to the Senator that I have been here all afternoon, too, trying to get a good amend-

ment considered. I wonder if we could get an understanding from the chairman of the committee, the distinguished Senator from Louisiana, that if this amendment were withdrawn, hearings might be held at an early date on this school breakfast provision.

Mr. ELLENDER. I would be glad to do it.

Mr. McGOVERN. I do think the amendment as it now stands has really lost the purpose, which is to provide free breakfast for poor children. We cannot do that, as I see it, under this language. I think that if we can get an understanding from the Senator from Louisiana to hold hearings on the school breakfast—

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. TALMADGE. I am sure the distinguished chairman already knows this. The breakfast program has a termination date of fiscal 1971. The entire bill must be extended at that time. The whole thing will be under review by the Committee on Agriculture and Forestry, not only for the purpose of extending but also for the purpose of improving, broadening, and modifying it. I am sure that the chairman, as is his custom, will let everyone who desires to testify have his say.

Mr. ELLENDER. As I tried to point out earlier, we are trying to rewrite this pilot program which has been in effect for 4 years. It is my hope to take the pilot program and improve it.

If there is a request to rewrite it now instead of waiting until 1971, I shall be willing to proceed and hold hearings; but trying to write a bill on the floor of the Senate, without any further study, or taking into consideration the experience we have gathered from the pilot program which we have had on the statute books for 4 years, I think is bad legislation.

I am hopeful that the Senator will withdraw his amendment.

Mr. McGOVERN. Could the Senator give me some indication when hearings might be scheduled—just generally not a specific date?

Mr. ELLENDER. As the Senator knows, we are conducting hearings now, and have all last week practically, and will all of this week, on extension of the present farm program. I have been there every day. I cannot tell at this moment the exact time but, as soon as possible, we will do it. As the Senator knows, we will start appropriations pretty soon. I am on the Appropriations Committee but I can give the Senator assurance that, as soon as possible, it will receive consideration from the committee.

Mr. McGOVERN. The school breakfast program is just as important to the health of schoolchildren as the school lunch program. It may turn out to be even more important. Thus, I am hopeful that hearings can be held.

On that basis, Mr. President, I again renew my unanimous-consent request that I be permitted to withdraw the amendment, as amended.

Mr. DOLE. Mr. President, reserving the right to object—and I shall not object—I just want to make certain that there

will not be a modification of that amendment offered on tomorrow.

Mr. McGOVERN. So far as I have any control over the situation, there would not be. However, I cannot speak for other Senators.

Mr. MAGNUSON. Mr. President, reserving the right to object, I hope that I have not been misunderstood in what I was attempting to do. The amendment of the Senator from South Dakota, as amended—or of the Senator from Massachusetts—would provide 100 percent funding by the Federal Government with no contribution by local agencies. I do not think that is the right approach and neither did the Senator from Georgia. This amendment if adopted, and I did not know it would be, would provide an 80-20 program which would make the States bear part of the responsibility. That is what I was trying to do. I do not believe that weakens the amendment and may in fact add a measure of strength and support for its passage.

Mr. MANSFIELD. As a matter of fact, I believe it does strengthen it.

Mr. MAGNUSON. There should be some local responsibility in the program. I would like to see such a program in my area, and I would also like to see the local school board have some financial responsibility for its operation. I believe it would be a better program if so amended.

Mr. ELLENDER. Under the present program, the Federal Government furnishes the food, but the administration of it is in the hands of the local communities—

Mr. MAGNUSON. Is it not, as a practical matter, an 80-20 split?

Mr. ELLENDER. Not the entire amount. In extreme cases, then it would be 80-20, but the amendment offered by the Senator from South Dakota would make the entire program a Federal one.

Mr. MAGNUSON. I was trying to temper that aspects of the McGovern amendment. That figure may not be exactly equitable, but I am perfectly willing to see it reviewed at a future date—as suggested by the Senator from South Dakota. I suppose this will be taken up in future hearings, because this is a very good program. I just want to leave the record straight that I favor this program for needy children. The committee has got a good program here, we have got to look at it again and review it when its authorization expires. I just want the record to be clear that I support this effort. I appreciate also that the Senator from Louisiana was correct in his interpretation of the legal technicalities of the amendment.

Mr. MANSFIELD. Mr. President, may I say that what the distinguished Senator from Washington did was to strengthen the bill, as I think the distinguished Senator from Kentucky did likewise. So, what we are laying aside now, if agreed to, is a far stronger proposition than was originally introduced.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Dakota?

Mr. WILLIAMS of Delaware. Mr. President, reserving the right to object, I notice that the Senator from South Dakota has just held a conference with

his associates. I should like to ask him, does this pledge that the amendment will not be reoffered tomorrow, does this meet with the agreement he just held with his associates with whom he has just conferred?

Mr. McGOVERN. Let me say to the Senator from Delaware, before I reply to that, that the amendment as originally proposed carried the names of several other Members of the Senate.

As the Senator knows, we did not anticipate the amendment offered by the Senator from Kentucky. It has been difficult merely to know what impact it would have. It seemed to me better to hold off, rather than to try to move on a decision on this tonight.

Other Senators who have spoken to me in the last few minutes indicate that they would prefer we go ahead and get a vote on this amendment tonight, as amended by the Senator from Kentucky.

The Senator knows that I have been handling this myself, in the absence of the Senator from Massachusetts. It has been difficult for me to know what judgment the other cosponsors wish; but, perhaps, under the circumstances, the best thing to do is go ahead and vote on the one amendment as modified by the Senator from Kentucky.

The PRESIDING OFFICER. Has the Senator from South Dakota withdrawn his unanimous consent request?

Mr. McGOVERN. Yes, sir, Mr. President. I yield back the remainder of my time.

Mr. TALMADGE. Mr. President, let me make this brief comment, and then I shall be ready to vote.

The amendment of the Senator from Washington and the Senator from Kentucky has greatly improved what I think was a most untenable amendment. The amendment of the Senator from South Dakota would still restrict the program to needy children. No other children that were not needy would buy or could buy the breakfast at the schoolhouse. It would be restricted purely to needy children.

It would provide for using a different formula for the apportioning of the breakfast program. In addition, it would make that child, a member of a family which is eligible to participate in the food stamp or commodity program, a family which has an annual income equivalent to or less than \$4,000 for a household of four, eligible for a breakfast.

Mr. President, I think that is going too far, to try to write a bill on the floor of the Senate and set up national uniform standards here, that any child from any family, anywhere in the United States of America, is entitled to go to the schoolhouse and buy a breakfast.

There are many families in this country who reside in rural areas and have gardens and can raise vegetables. They have cattle, chickens, and they have an adequate diet. They are considered in their community to be affluent if they have income of \$4,000 or less.

On the other hand, we could have a family that lived in Hartford, Conn., Philadelphia, Pa., or New York, N.Y., or Chicago, Ill., where food, wages, and taxes are very high, where \$6,000 a year income would be very low.

I object to trying to set up standards on that basis. I object to trying to write a breakfast program here on the floor of the Senate, when the Committee on Agriculture and Forestry, which has jurisdiction, has not even seen or heard of the amendment before.

I therefore hope that the Senate will postpone consideration of the amendment, by killing it, and giving the committee time, in due course, as the chairman of the committee has already promised the distinguished Senator from South Dakota (Mr. McGovern), to hold hearings on it, when we can take a look at the situation and find out what the facts are, to the end of trying to improve a program which was begun 4 years ago, and which all of us think is a very desirable program.

Mr. AIKEN. Mr. President, if the amendment offered by the Senator from South Dakota is voted on and defeated now, do I correctly understand that the committee will still consider the identical provisions at the end of the farm program hearings?

Mr. ELLENDER. Oh, yes. I have already pledged that to the Senator.

Mr. AIKEN. It would seem to me, in the interest of saving time, that we should have a vote on the amendment right now.

Mr. TALMADGE. I agree fully.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has now been yielded back on the amendment.

The question is on agreeing to the amendment, as modified, of the Senator from South Dakota.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Alabama (Mr. ALLEN), the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Indiana (Mr. HARTKE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. McGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) and the Senator from Ohio (Mr. YOUNG) are absent on official business.

On this vote, the Senator from New Jersey (Mr. WILLIAMS) is paired with the Senator from Alabama (Mr. SPARKMAN). If present and voting, the Senator from New Jersey would vote "yea" and the Senator from Alabama would vote "nay."

On this vote, the Senator from Texas (Mr. YARBOROUGH) is paired with the Senator from Georgia (Mr. RUSSELL). If present and voting, the Senator from

Texas would vote "yea" and the Senator from Georgia would vote "nay."

I further announce that, if present and voting, the Senator from California (Mr. CRANSTON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. McGEE), and the Senator from Montana (Mr. METCALF) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New Hampshire (Mr. COTTON), the Senator from New York (Mr. JAVITS), the Senator from Michigan (Mr. GRIFFIN), the Senator from Iowa (Mr. MILLER), the Senator from Kansas (Mr. PEARSON), the Senator from Illinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Oregon (Mr. PACKWOOD) are detained on official business.

If present and voting, the Senator from Iowa (Mr. MILLER), the Senator from South Dakota (Mr. MUNDT), the Senator from Kansas (Mr. PEARSON), and the Senator from Texas (Mr. TOWER) would each vote "nay."

On this vote, the Senator from New York (Mr. JAVITS) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from New York would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 36, nays 34, as follows:

[No. 54 Leg.]

YEAS—36

Brooke	Hatfield	Moss
Burdick	Hollings	Muskie
Cannon	Hughes	Nelson
Case	Inouye	Pastore
Cook	Jackson	Pell
Cooper	Magnuson	Percy
Eagleton	Mansfield	Prouty
Fong	Mathias	Ribicoff
Goodell	McCarthy	Schweiker
Gravel	McGovern	Spong
Harris	Mondale	Stevens
Hart	Montoya	Symington

NAYS—34

Aiken	Eastland	Murphy
Allott	Ellender	Proxmire
Anderson	Ervin	Randolph
Bellmon	Fannin	Scott
Bennett	Gore	Smith, Maine
Bible	Gurney	Stennis
Boggs	Hansen	Talmadge
Byrd, Va.	Holland	Thurmond
Byrd, W. Va.	Hruska	Williams, Del.
Curtis	Jordan, N.C.	Young, N. Dak.
Dole	Jordan, Idaho	
Dominick	McClellan	

NOT VOTING—30

Allen	Hartke	Pearson
Baker	Javits	Russell
Bayh	Kennedy	Saxbe
Church	Long	Smith, Ill.
Cotton	McGee	Sparkman
Cranston	McIntyre	Tower
Dodd	Metcalfe	Tydings
Fulbright	Miller	Williams, N.J.
Goldwater	Mundt	Yarborough
Griffin	Packwood	Young, Ohio

So Mr. McGovern's amendment, as amended, was agreed to.

Mr. McGOVERN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MONDALE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 514

Mr. STEVENS. Mr. President, I call up my amendment No. 514.

The PRESIDING OFFICER (Mr. HUGHES in the chair). The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD. I do so because I wish to announce to the Senate there will be no further votes tonight.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

AMENDMENT 514

On page 22, lines 13 and 14, strike out "a new sentence as follows" and inserting in lieu thereof the following":

On page 22, line 20, immediately after the period, insert the following: "Whenever the amount of annual income of a family is prescribed as part of the criteria for determining the eligibility of a child of such household to receive free or reduced price lunches, the amount of annual income prescribed by such criteria shall be increased by 25 per centum in the case of Hawaii and Alaska and the amount apportioned to each state shall be increased accordingly."

On page 22, between lines 20 and 21, insert a new subsection as follows:

"(e) Section 4(e) of the Child Nutrition Act of 1966 (42 USC1771) is amended by adding at the end thereof a new sentence as follows: "Whenever the amount of annual income of a family is prescribed as part of the criteria for determining eligibility of a child of such household to receive free or reduced price meals, the amount of annual income prescribed by such criteria shall be increased by 25 per centum in the case of Hawaii and Alaska and the amount apportioned to each State shall be increased accordingly."

Mr. TALMADGE. Mr. President, I yield 2 minutes to the Senator from Virginia on the bill.

Mr. SPONG. Mr. President, I am pleased to support the National School Lunch Act Amendments of 1969.

For more than 20 years, the Federal Government has been involved in school nutrition programs. Thousands upon thousands of our schoolchildren are indebted to Senator RICHARD S. RUSSELL and Senator ALLEN ELLENDER for their foresight in securing passage of the school lunch program in 1946.

In the 20 years since enactment of the legislation many changes have taken place in our lives and in areas related to the lunch program. The number of hot meals served to school children has increased dramatically. Kitchens and cafeterias have become a fixture in new school facilities. Mass purchasing and preparation of foods have become the rule rather than the exception in many areas.

Yet, other changes—changes which have not served to benefit the lunch program—have also taken place. Food costs have risen continuously. Opera-

tional expenses have forced school lunch programs to increase lunch prices. To meet rising expenses some school districts have curtailed the quality and quantity of meals served.

At the same time, medical evidence indicating a relationship between proper nutrition and normal growth and development has accumulated. And, statistics have been gathered to demonstrate the failure of many low-income pupils to receive lunches.

Of the more than 50 million school-children in the Nation, less than 20 million participate in the school lunch program. Of the more than 1 million Virginia schoolchildren, slightly more than 57 percent participate.

On a national and State basis, there are many needy pupils who do not or cannot participate.

Of the 6 million school-age children in our Nation from families earning less than \$2,000 a year and/or receiving aid to families with dependent children, fewer than 2 million participate in the school lunch program. Of the 186,000 Virginia school-age children from families earning less than \$2,000 a year and/or receiving aid to families with dependent children, only about 45 percent participate.

The bill under consideration would help local school systems serve better meals and serve meals to more children. The bill is a logical step forward.

Our children are our Nation's greatest

asset. They are tomorrow's leaders and producers. The future of our Nation depends upon them—their education, their development, and the opportunities they are afforded today.

The properly nourished child presents a marked contrast to the malnourished child. He is more active, more alert, more interested in his environment. According to school officials, he is often less of a discipline problem and is a better student. These are compelling reasons to support the school lunch program.

I am pleased with the participation which Virginia pupils have registered in the past. Less than one-fifth of the States have recorded higher participation rates. But, much remains to be done in the State and much remains to be done in the Nation.

While the committee has been considering school lunch legislation, I have been polling Virginia school districts to determine what their needs in the school lunch program are and how these needs can be met. Over 70 percent of the school districts in Virginia replied. I believe it is significant that many of the needs mentioned will be met by the pending bill. The greatest need, according to the poll, is more financial support, followed by the need for more trained workers and supervisors in the program. The pending bill will assist in these areas.

It will also help meet the following problems which were mentioned in the poll: It will provide additional assistance

for the purchase of equipment; it will permit advance funding of the program and it will help the needy child no matter what school he may attend.

The poll also suggested several problems which could be overcome through administrative action, including the elimination of redtape, the provision of more meat and protein and the development of better delivery procedures for commodities. I have written to Secretary of Agriculture Hardin about these matters, since the Department of Agriculture administers the program.

The school lunch program is an important part of our educational endeavors. It can be a more important one.

I believe the pending bill will greatly assist us in doing what remains to be done. I commend the able Senator from Georgia (Mr. TALMADGE), for introducing the bill. I thank him for permitting me to cosponsor it. I was presiding on Friday when the able Senator from Georgia presented the bill to the Senate. His explanation was both lucid and effective. I recommend it to all who are interested in the problems and potentialities of the school lunch program.

I ask unanimous consent to insert into the RECORD charts indicating participation in the program by locality in Virginia and the funds committed to the program in Virginia in 1969.

There being no objection, the charts were ordered to be printed in the RECORD, as follows:

SUMMARY OF SCHOOL FOOD SERVICE PROGRAMS—FISCAL 1969

Programs	Number of schools with programs	Average number of pupils served daily			Total meals served	Federal reimbursement	Local operating cost
		Free or partially paid	Paid	Total			
Breakfast.....	54	4,965	3,894	8,859	885,910	\$129,370.10	-----
Lunch.....	1,763	86,541	466,196	574,666	100,383,500	5,928,207.58	-----
Milk.....	1,801	-----	-----	49,424,367	149,807,867	1,811,560.55	-----
Nonfood (equipment).....	264	-----	-----	-----	-----	549,970.85	-----
Total reimbursement.....	-----	-----	-----	-----	-----	8,415,248.64	\$47,077,639.26

¹ 1½ pints milk.

Source: State Department of Education, Commonwealth of Virginia school lunch division.

The chart below reveals the rank in percent of participation in the counties, cities, and towns of the State.

[Percent of participation]

County division:

Floyd.....	90.9
Highland.....	88.1
Rockingham.....	85.8
Augusta.....	84.9
Carroll.....	84.8
Smyth.....	82.2
Frederick.....	79.8
Westmoreland.....	79.7
Grayson.....	79.4
Wythe.....	78.5
Cumberland.....	77.9
Pulaski.....	77.7
Dickinson.....	76.3
Scott.....	76.3
Washington.....	76.3
Henry.....	75.6
Shenandoah.....	74.9
Bland.....	74.8
Lee.....	74.7
Buckingham.....	74.3
Wise.....	74.2
Charlotte.....	73.7
Caroline.....	72.8

Page.....	72.3
Rockbridge.....	72.1
Clarke.....	72.0
Montgomery.....	72.0
Northumberland.....	71.8
Fluvanna.....	71.6
Patrick.....	71.6
Franklin.....	71.5
Rappahannock.....	71.5
Nottoway.....	71.3
York.....	70.9
Halifax.....	70.7
Greene.....	70.6
New Kent.....	70.3
Amelia.....	69.2
Appomattox.....	69.0
Giles.....	68.9
Russell.....	68.8
Richmond.....	68.2
Pittsylvania.....	67.3
Louisa.....	66.8
King and Queen.....	66.7
Essex.....	66.0
Spotsylvania.....	65.9
Tazewell.....	65.8
Bath.....	65.0
Orange.....	65.0
Buchanan.....	64.8

Craig.....	64.7
Alleghany.....	64.4
Accomac.....	64.0
Lancaster.....	63.9
Prince Edward.....	63.2
Middlesex.....	62.5
Sussex.....	62.5
Madison.....	62.1
Mecklenburg.....	61.9
Hanover.....	60.6
Albemarle.....	60.0
Botetourt.....	59.7
Greensville.....	59.7
Dinwiddie.....	59.4
Brunswick.....	58.8
Campbell.....	58.0
Gloucester.....	58.6
Loudoun.....	58.5
Warren.....	58.1
Mathews.....	57.0
Bedford.....	56.9
Chesterfield.....	56.6
Goochland.....	56.3
Fauquier.....	55.8
Southampton.....	55.5
Stafford.....	55.5
Nansemond.....	55.4
Prince William.....	55.3

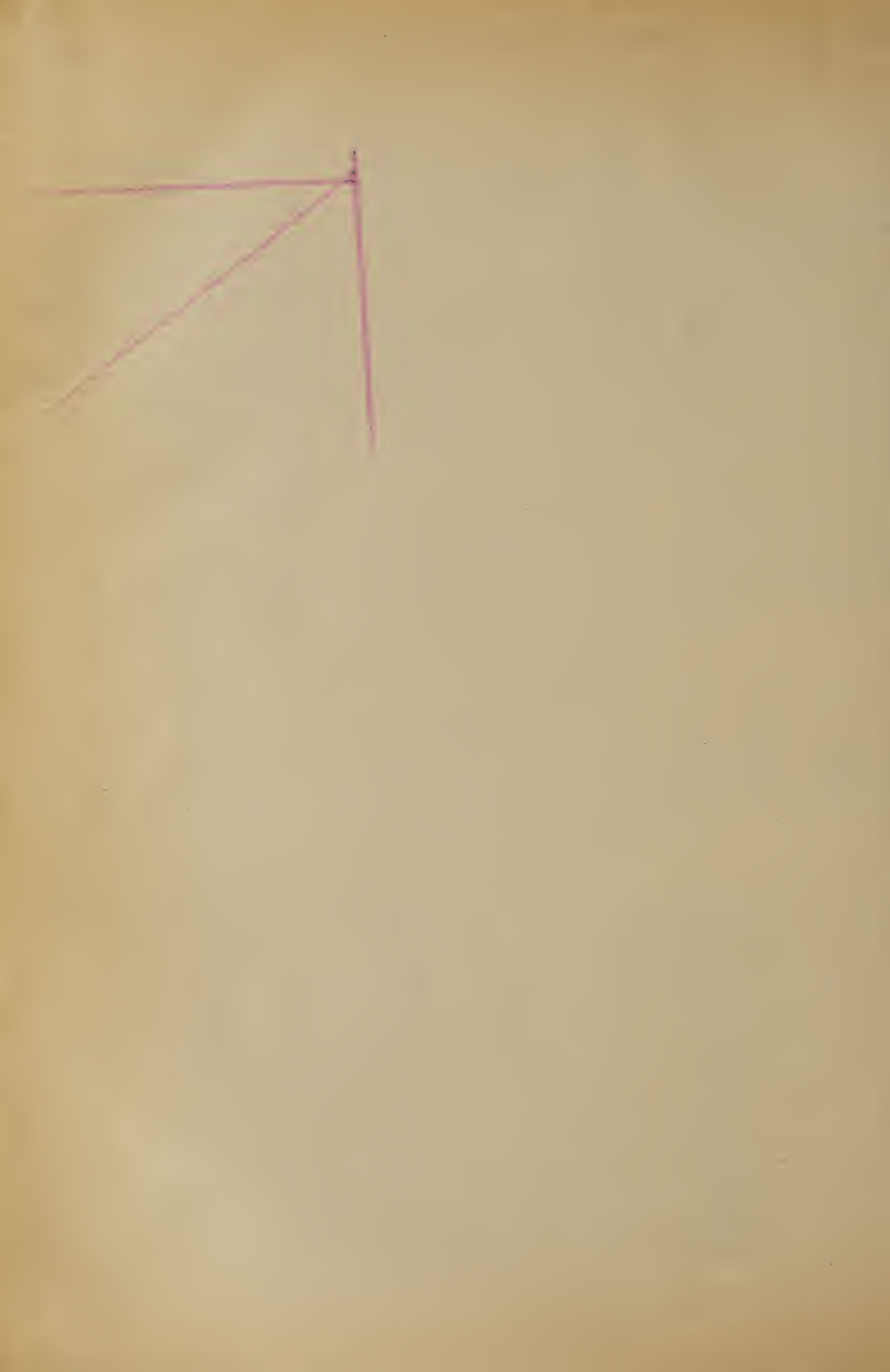
Surry	55.1	Galax	70.1	Chesapeake	42.0
Nelson	54.3	Waynesboro	68.2	Buena Vista	39.2
Fairfax	53.4	Martinsville	67.3	Winchester	13.1
Lunenburg	53.2	Newport News	66.1	Towns:	
Culpeper	51.7	Bristol	62.4	West Point	71.5
Northampton	51.5	Lexington	61.5	Colonial Beach	44.1
Roanoke	51.5	Richmond	60.6		
Amherst	50.9	Williamsburg-James City	58.4		
King William	50.3	Hampton	58.0		
Powhatan	50.2	Covington	57.6		
Henrico	48.4	Clifton Forge	54.0		
Prince George	48.3	Charlottesville	53.0		
Isle of Wight	45.8	Hopewell	51.7		
Charles City	45.5	Petersburg	49.9		
Arlington	43.0	Fredericksburg	49.2		
King George	40.0	Virginia Beach	48.1		
Cities Division:		Portsmouth	47.9		
Staunton	79.8	Alexandria	47.5		
Radford	76.6	Roanoke	47.5		
Suffolk	74.0	Norfolk	46.4		
Danville	72.6	Linchburg	45.4		
Norton	72.6	Franklin	44.0		
South Boston	70.6	Colonial Heights	43.7		
Harrisonburg	71.5	Falls Church	42.1		

¹ State average daily participation.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order of Friday, February 20, 1970, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 25 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, February 24, 1970, at 10 a.m.



Calendar No. 633

91ST CONGRESS
2D SESSION

S. 2548

IN THE SENATE OF THE UNITED STATES

FEBRUARY 23, 1970

Ordered to be printed

AMENDMENTS

Proposed by Mr. STEVENS (for himself and Mr. INOUE) to
S. 2548, a bill to amend the National School Lunch Act
and the Child Nutrition Act of 1966 to strengthen and im-
prove the food service programs provided for children under
such Acts, viz:

1 On page 22, lines 13 and 14, strike out "a new sentence
2 as follows" and insert in lieu thereof "the following".

3 On page 22, line 20, immediately after the period, in-
4 sert the following: "Whenever the amount of annual income
5 of a family is prescribed as part of the criteria for deter-
6 mining the eligibility of a child of such household to receive
7 free or reduced-price lunches, the amount of annual income
8 prescribed by such criteria shall be increased by 25 per

1 centum in the case of Hawaii and Alaska and the amount
2 apportioned to each State shall be increased accordingly.”

3 On page 22, between lines 20 and 21, insert a new
4 subsection as follows:

5 “(e) Section 4(e) of the Child Nutrition Act of 1966
6 (42 U.S.C. 1771) is amended by adding at the end thereof
7 a new sentence as follows: ‘Whenever the amount of annual
8 income of a family is prescribed as part of the criteria for
9 determining eligibility of a child of such household to re-
10 ceive free or reduced-price meals, the amount of annual
11 income prescribed by such criteria shall be increased by
12 25 per centum in the case of Hawaii and Alaska and the
13 amount apportioned to each State shall be increased
14 accordingly.’”

AMENDMENTS

Proposed by Mr. STEVENS (for himself and Mr. INOUYE) to S. 2548, a bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such Acts.

FEBRUARY 23, 1970

Ordered to be printed

91ST CONGRESS
2D SESSION

S. 2548

IN THE SENATE OF THE UNITED STATES

FEBRUARY 23, 1970

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. MONDALE to S. 2548, a bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such Acts, viz: On page 26, line 22, insert the following and renumber section 9 as section 10:

1 SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

2 SEC. 9. Section 13 of the National School Lunch Act is
3 amended by striking subsections (a), (b), and (c) and in-
4 serting in lieu thereof the following:

5 "SEC. 13. (a) There is hereby authorized to be appro-
6 priated \$32,000,000 for the fiscal year ending June 30,
7 1971, \$48,000,000 for the fiscal year ending June 30, 1972,

1 and \$64,000,000 for the fiscal year ending June 30, 1973,
2 to enable the Secretary to provide financial assistance to
3 States to assure non-school-age children from low-income
4 families and from households with working mothers access
5 to nutritious meals served by service organizations and school-
6 age children from such families and households access to
7 nutritious meals during the summer. For purposes of this
8 section, the term 'service organizations' means public or
9 private agencies or organizations which provide nonprofit
10 food service to such children, including handicapped children,
11 in such settings as day-care centers, non-public-school Head-
12 start centers, settlement houses, recreation centers, churches,
13 and schools during the summer recess.

14 " (b) (1) Of the sums appropriated pursuant to this sec-
15 tion for any fiscal year, 3 per centum shall be available for
16 apportionment to Puerto Rico, the Virgin Islands, Guam, and
17 American Samoa. From the funds so available the Secretary
18 shall apportion to each such State an amount which bears
19 the same ratio to such funds as the number of children aged
20 three to seventeen, inclusive, in such State bears to the total
21 number of such children in all such States. If any such State
22 cannot utilize for the purposes of this section all of the funds
23 so apportioned to it, the Secretary shall make further appor-
24 tionment on the same basis as the initial apportionment to

1 any such State which justifies, on the basis of operating ex-
2 perience, the need for additional funds for such purposes.

3 “ (2) The remaining sums appropriated pursuant to this
4 section for any fiscal year shall be apportioned among States,
5 other than Puerto Rico, the Virgin Islands, Guam, and
6 American Samoa. The amount apportioned to each State
7 shall bear the same ratio to such remaining funds as the
8 number of children in such State aged three to seventeen,
9 inclusive, from families with incomes equivalent to \$4,000
10 per year or less for a family of four bears to the total number
11 of such children in all such States. If any such State cannot
12 utilize for the purposes of this section all of the funds so ap-
13 portioned to it, the Secretary shall make further apportion-
14 ment on the same basis as the initial apportionment to any
15 such State which justifies, on the basis of operating experi-
16 ence, the need for additional funds for such purposes.

17 “ (c) (1) Funds paid to any State under this section shall
18 be disbursed by the State educational agency to service or-
19 ganizations, selected by it on a nondiscriminatory basis, to
20 assist such organizations in financing all or part of the operat-
21 ing costs of the food service offered eligible children by such
22 organizations, including the cost of obtaining, preparing, and
23 serving food. The amount of funds that each service organiza-
24 tion shall from time to time receive shall be based on the need

1 of the service organization for assistance in meeting the
2 requirements of subsection (f) concerning the service of
3 meals to children unable to pay the full cost of such meals.
4 “(2) Not to exceed 25 per centum of the funds paid to
5 any State may be used by the State to assist service organi-
6 zations in financing all or part of the cost of the purchase or
7 rental of equipment, other than land and buildings, for the
8 storage, preparation, transportation, and serving of food to
9 enable the service organizations to establish or expand food
10 service under this section.”

AMENDMENT

Intended to be proposed by Mr. MONDARE to S. 2548, a bill to amend the National School Lunch Act and the Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such Acts.

FEBRUARY 23, 1970

Ordered to lie on the table and to be printed

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of Feb. 24, 1970
91st-2nd; No. 25

CONTENTS

Advance payments.....3	Herbicides.....14	Research.....6
Credit unions.....5	Inflation.....7	Retirement fund.....13
Daylight time.....16	Loans.....19	School lunch.....1
Eggs.....21	Meat products.....20	Taxation.....19
Environment.....9,11,15	Peanuts.....12	Timber supply.....8,10
Feed grains.....3	Pollution.....9,11,15	Transportation.....2,18
Forests.....8,10	Poultry.....20	User charges.....2
Weight cars.....18	Price controls.....7	Water research.....6
Grazing fees.....4	Property.....17	

HIGHLIGHTS: Senate passed school lunch bill. Sen. Nelson criticized USDA's alleged refusal to make advance payments.

SENATE

1. SCHOOL LUNCH. Passed, by unanimous vote of 85 yeas, with amendments H. R. 515 (substituting the language of S. 2548), to strengthen and improve the National School Lunch and Child Nutrition Acts of 1966, after adopting the Javits amendment limiting meal cost of reduced-price meals to 20¢ and giving free meals to children from households consisting of four persons with \$4000 or less annual income. pp. S2231-56. S. 2548 was indefinitely postponed.
2. TRANSPORTATION; USER CHARGES. Began debate on H. R. 14465, providing federal assistance for expansion of airports and airways. pp. S2265-70; S2274-8

3. ADVANCE PAYMENTS. Sen. Nelson stated that "the future of the Government's feed grain program is being jeopardized by the Agriculture Department's refusal to make advance payments to participating farmers this year" and he added that "unless the Department acts soon, Congress should act to require payment of these funds." pp. S2226-7
4. GRAZING FEES. Sen. McGee argued that the price of acquiring a grazing permit should be taken into consideration in fixing the grazing fee. p. S2228

HOUSE

5. CREDIT UNIONS. Agreed to the conference report on H. R. 2, to provide for an independent Federal agency for the supervision of federally chartered credit unions. pp. H1160-1. This bill will now be sent to the President.
6. WATER RESEARCH. The Interior and Insular Affairs subcommittee approved for full committee action H. R. 15700, amended, to authorize appropriations for the saline water conversion program. p. D133
7. PRICE CONTROLS; INFLATION. Rep. Hicks said that the time of "last resort" is now for the use of price and wage controls. p. H1189
Rep. Anderson, Calif., asked for a review of so-called tight money policies. pp. H1195-6
8. FORESTS; TIMBER SUPPLY. Reps. Martin and Saylor inserted articles opposing the proposed high timber yield bill. pp. H1189-90, H1239-41
Rep. Vanik inserted a statement issued by a panel of environmental experts in opposition to this proposed bill. pp. H1227-30
9. ENVIRONMENT; POLLUTION. Rep. Devine inserted an article supporting the President's proposed pollution control program. pp. H1194-5
Rep. Saylor inserted an article and stated that it is a "most interesting review on the current epidemic of 'environment fever'." pp. H1235-9

EXTENSION OF REMARKS

10. TIMBER YIELD. Several Representatives discussed the pros and cons of the proposed Nation/Forest Timber Conservation and Management Act and inserted articles. pp. E1200-5, E1209-10, E1232-5, E1244, E1247-50
11. ENVIRONMENT; POLLUTION. Rep. Gibbons inserted a Library of Congress analysis of existing laws and programs relating to environmental pollution. pp. E1206-8
Rep. Evins, Tenn., inserted an article critical of the Administration's alleged "shuffle" of environmental pollution funds. p. E1271
Reps. Reid, N. Y., and Wolff inserted articles on atomic energy and the environment. pp. E1219-24, E1240-3
12. PEANUTS. Rep. O'Neal, Ga., inserted an article, "Composition and Use of Peanuts in the Diet." pp. E1231-2

In the Senate of the United States,

February 24, 1970.

Resolved, That the bill from the House of Representatives (H.R. 515) entitled "An Act to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions", do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

*AUTHORIZATION FOR ADVANCE APPROPRIATIONS; CARRY-
OVER AUTHORIZATION*

*SECTION 1. (a) Section 3 of the National School Lunch Act is amended by inserting at the end thereof the following:
"Appropriations to carry out the provisions of this Act and*

of the Child Nutrition Act of 1966 for any fiscal year are authorized to be made a year in advance of the beginning of the fiscal year in which the funds will become available for disbursement to the States. Notwithstanding any other provision of law, any funds appropriated to carry out the provisions of such Acts shall remain available for the purposes of the Act for which appropriated until expended."

(b) The first sentence of section 10 of the National School Lunch Act and the first sentence of section 12(d)(5) of such Act are each amended by striking the words "preceding fiscal year" and inserting in lieu thereof the following: "fiscal year beginning two years immediately prior to the fiscal year for which the Federal funds are appropriated".

NONFOOD ASSISTANCE PROGRAM AUTHORIZATION

SEC. 2. (a) Section 5(a) of the Child Nutrition Act of 1966 is amended to read as follows: "(a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1971, not to exceed \$38,000,000, for the fiscal year ending June 30, 1972, not to exceed \$33,000,000, for the fiscal year ending June 30, 1973, not to exceed \$15,000,000, and for each succeeding fiscal year, not to exceed \$10,000,000, to enable the Secretary to formulate and carry out a program to assist the States through grants-in-aid and other means to supply schools drawing attendance from areas in

which poor economic conditions exist with equipment, other than land or buildings, for the storage, preparation, transportation, and serving of food to enable such schools to establish, maintain, and expand school food service programs. In the case of a nonprofit private school, such equipment shall be for use of such school principally in connection with child feeding programs authorized in this Act and in the National School Lunch Act, as amended, and in the event such equipment is no longer so used, it may be transferred to another nonprofit private school participating in any of such programs or to a public school participating in any of such programs, or, failing either of these dispositions, that part of such equipment financed with Federal funds, or the residual value thereof, shall revert to the United States. ¶

“(b) The Secretary shall apportion 50 per centum of the funds appropriated for the purposes of this section among the States during each fiscal year on the same basis as apportionments are made under section 4 of the National School Lunch Act, as amended, for supplying agricultural and other foods. The remaining funds appropriated for the purposes of this section shall be apportioned to each State on the basis of the ratio between the number of children enrolled in schools without a food service in such State and the number of children enrolled in schools without a food service in all States. Payments to any State of funds

apportioned for any fiscal year shall be made upon condition that at least one-fourth of the cost of any equipment financed under this subsection shall be borne by State or local funds."

ADMINISTRATIVE EXPENSES, NUTRITION EDUCATION,

AND DIRECT EXPENDITURES

SEC. 3. The first sentence of section 6 of the National School Lunch Act is amended to read as follows: "The funds provided by appropriation or transfer from other accounts for any fiscal year for carrying out the provisions of this Act, and for carrying out the provisions of the Child Nutrition Act of 1966, other than section 3 thereof, less

"(1) not to exceed $3\frac{1}{2}$ per centum thereof which per centum is hereby made available to the Secretary for his administrative expenses under this Act and under the Child Nutrition Act of 1966;

"(2) the amount apportioned by him pursuant to sections 4 and 5 of this Act and the amount appropriated pursuant to sections 11 and 13 of this Act and sections 4, 5, and 7 of the Child Nutrition Act of 1966; and

"(3) not to exceed 1 per centum of the funds provided for carrying out the programs under this Act and the programs under the Child Nutrition Act of 1966, other than section 3, which per centum is hereby made available to the Secretary to supplement

the nutritional benefits of these programs through grants to States and other means for nutritional training and education for workers, cooperators, and participants in these programs and for necessary surveys and studies of requirements for food service programs in furtherance of the purposes expressed in section 2 of this Act and section 2 of the Child Nutrition Act of 1966, shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools and service institutions participating in the food service programs under this Act and under the Child Nutrition Act of 1966 in accordance with the needs as determined by the local school and service institution authorities."

STATE MATCHING REQUIREMENTS

SEC. 4. Section 7 of the National School Lunch Act is further amended by inserting immediately before the last sentence of such section the following: "For the fiscal year beginning July 1, 1971, and the fiscal year beginning July 1, 1972, State revenue (other than revenues derived from the program) appropriated or utilized specifically for program purposes (other than salaries and administrative expenses at the State, as distinguished from local, level) shall constitute at least 4 per centum of the matching requirement; for each of the two succeeding fiscal years, at least 6 per centum of the

matching requirement; for each of the subsequent two fiscal years, at least 8 per centum of the matching requirement; and for each fiscal year thereafter, at least 10 per centum of the matching requirement. The State revenues made available pursuant to the preceding sentence shall be disbursed to schools, to the extent the State deems practicable, in such manner that each school receives the same proportionate share of such revenues as it receives of the funds apportioned to the State for the same year under sections 4 and 11 of the National School Lunch Act and sections 4 and 5 of the Child Nutrition Act of 1966."

STATE ADMINISTRATIVE EXPENSES

SEC. 5. The first sentence of section 7 of the Child Nutrition Act of 1966 is amended (1) by inserting "or for the administrative expenses of any other designated State agency" immediately after "its administrative expenses"; and (2) by inserting "and service institutions" immediately after "local school districts".

ADDITIONAL PROGRAM REQUIREMENTS AND AUTHORITY

SEC. 6. (a) The second sentence of section 9 of the National School Lunch Act (42 U.S.C. 1751) is amended by inserting "not exceeding 20 cents per meal" immediately after "or at a reduced cost".

(b) Section 9 of the National School Lunch Act is further amended by inserting after the second sentence thereof

two new sentences as follows: "Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions; but any child who is a member of a household which (1) is eligible to participate in a Federal food stamp program or commodity distribution program or (2) has an annual income equivalent to \$4,000 or less for a household of four persons shall be served meals without cost. Determination with respect to the annual income of any household shall be made solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household."

(c) Section 13(f) of the National School Lunch Act is amended by inserting after the second sentence, a new sentence: "Such determinations shall be made by the service institution authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions."

(d) The third sentence of section 9 of the National

School Lunch Act and the fourth sentence of section 13(f) of such Act and the fourth sentence of section 4(e) of the Child Nutrition Act of 1966 are each amended by striking out the period at the end of the sentence and inserting in lieu thereof a comma and the following: "nor shall there be any overt identification of any such child by special tokens or tickets, announced or published lists of names, or other means."

(e) Section 9 of the National School Lunch Act is further amended by inserting at the end thereof a new sentence as follows: "The Secretary is authorized to prescribe terms and conditions respecting the use of commodities donated under such section 32, under section 416 of the Agricultural Act of 1949, as amended, and under section 709 of the Food and Agriculture Act of 1965, as amended, as will maximize the nutritional and financial contributions of such donated commodities in such schools and institutions. The requirements of this section relating to the service of meals without cost or at a reduced cost shall apply to the lunch program of any school utilizing commodities donated under any of the provisions of law referred to in the preceding sentence: Provided, That none of the requirements of this section in respect to the amount for 'reduced cost' meals and to eligibility for meals without cost shall apply to nonprofit private schools which participate in the school lunch program under

the provisions of section 10 until such time as the Secretary certifies that sufficient funds from sources other than children's payments are available to enable such schools to meet these requirements."

SPECIAL ASSISTANCE

SEC. 7. Section 11 of the National School Lunch Act is amended to read as follows:

"SPECIAL ASSISTANCE

"SEC. 11. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each succeeding fiscal year such sums as may be necessary to provide special assistance to assure access to the school lunch program under this Act by children of low-income families.

"(b) Of the sums appropriated pursuant to this section for any fiscal year, 3 per centum shall be available for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. From the funds so available the Secretary shall apportion to each such State an amount which bears the same ratio to such funds as the number of children aged three to seventeen, inclusive, in such State bears to the total number of such children in all such States. If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any

such State which justifies, on the basis of operating experience, the need for additional funds for such purposes.

“(c) The remaining sums appropriated pursuant to this section for any fiscal year shall be apportioned among States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa. The amount apportioned to each State shall bear the same ratio to the total of such appropriated funds as the number of children attending schools in that State from families with incomes equivalent to \$4,000 per year or less for a family of four bears to the total number of such children in all such States. If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such State which justifies, on the basis of operating experience, the need for additional funds for such purposes.

“(d) Payment of the funds apportioned to any State under this section shall be made as provided in the last sentence of section 7 of this Act.

“(e) Funds paid to any State for any fiscal year pursuant to this section shall be disbursed to schools in such State to assist them in financing all or part of the operating costs of the school lunch program in such schools including the costs of obtaining, preparing, and serving food. The amounts of funds that each school shall from time to time

receive shall be based on the need of the school for assistance in meeting the requirements of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches.

“(f) If in any State the State educational agency is not permitted by law to disburse funds paid to it under this Act to nonprofit private schools in the State, the Secretary shall withhold from the funds apportioned to such State under subsection (b) or (c) of this section an amount which bears the same ratio to such funds as the number of children attending such nonprofit private schools in such State from families with incomes equivalent to \$4,000 per year or less for a family of four bears to the total number of such children in all the schools, public and private, in such State. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within such State for the same purposes and subject to the same conditions as are applicable to a State educational agency disbursing funds under this section.

“(g) In carrying out this section, the terms and conditions governing the operation of the school lunch program set forth in other sections of this Act, including those applicable to funds apportioned or paid pursuant to section 4 or 5 but excluding the provisions of section 7 relating to matching, shall be applicable to the extent they are not inconsistent with the express requirements of this section.

“(h)(1) Not later than June 1 of each year, each State educational agency shall submit to the Secretary, for approval by him as a prerequisite to receipt of Federal funds or any commodities donated by the Secretary for use in programs under this Act and the Child Nutrition Act of 1966, a State plan of child nutrition operations for the following fiscal year, which shall include, as a minimum, a description of the manner in which the State educational agency proposes (A) to use the funds provided under this Act and funds from sources within the State to furnish a free lunch to every needy child in accordance with the provisions of section 9; (B) to include every school within the State in the operation of the national school lunch program by the start of the 1972-1973 school year; and (C) to use the funds provided under section 13 of this Act and section 4 of the Child Nutrition Act of 1966 and funds from sources within the State to the maximum extent practicable to reach needy children.

“(2) Each school participating in the national school lunch program shall be required to submit a report each month to its State educational agency the average number of children in the school who received free lunches each school day during the immediately preceding month, the number of children in the school who were eligible to receive free lunches during such month, the average number of children in the school who received reduced price lunches each school day

during the immediately preceding month, and the number of children in the school who were eligible to receive reduced price lunches during such month.

“(3) The State educational agency of each State shall submit a report to the Secretary each month showing the average number of children in the State who received free lunches each school day during the immediately preceding month, the number of children in the State who were eligible to receive free lunches during such month, the average number of children in the State who received reduced price lunches each school day during the immediately preceding month, and the number of children in the State who were eligible to receive reduced price lunches during such month.”

REGULATIONS

SEC. 8. Section 10 of the Child Nutrition Act of 1966 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: “and the National School Lunch Act, including regulations relating to the service of food in participating schools and service institutions in competition with the programs authorized under this Act and the National School Lunch Act. In such regulations the Secretary may provide for the transfer of funds by any State between the programs authorized under this Act and the National School Lunch Act on the basis of an approved State plan of operation for the use of the funds and may pro-

vide for the reserve of up to 1 per centum of the funds available for apportionment to any State to carry out special developmental projects."

NATIONAL ADVISORY COUNCIL

SEC. 9. The National School Lunch Act is amended by adding at the end thereof the following new section:

"NATIONAL ADVISORY COUNCIL

"SEC. 14. (a) There is hereby established a council to be known as the National Advisory Council on Child Nutrition (hereinafter in this section referred to as the 'Council') which shall be composed of thirteen members appointed by the Secretary. One member shall be a school administrator, one member shall be a person engaged in child welfare work, one member shall be a person engaged in vocational education work, one member shall be a nutrition expert, one member shall be a school food service management expert, one member shall be a State superintendent of schools (or the equivalent thereof), one member shall be a State school lunch director (or the equivalent thereof), one member shall be a person serving on a school board, one member shall be a classroom teacher, and four members shall be officers or employees of the Department of Agriculture specially qualified to serve on the Council because of their education, training, experience, and knowledge in matters relating to child food programs.

“(b) The nine members of the Council appointed from outside the Department of Agriculture shall be appointed for terms of three years, except that such members first appointed to the Council shall be appointed as follows: Three members shall be appointed for terms of three years, three members shall be appointed for terms of two years, and three members shall be appointed for terms of one year. Thereafter all appointments shall be for a term of three years, except that a person appointed to fill an unexpired term shall serve only for the remainder of such term. Members appointed from the Department of Agriculture shall serve at the pleasure of the Secretary.

“(c) The Secretary shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Council.

“(d) The Council shall meet at the call of the Chairman but shall meet at least once a year.

“(e) Seven members shall constitute a quorum and a vacancy on the Council shall not affect its powers.

“(f) It shall be the function of the Council to make a continuing study of the operation of programs carried out under the National School Lunch Act, the Child Nutrition Act of 1966, and any related Act under which meals are provided for children, with a view to determining how such programs may be improved. The Council shall submit to

the President and the Congress annually a written report of the results of its study together with such recommendations for administrative and legislative changes as it deems appropriate.

“(g) The Secretary shall provide the Council with such technical and other assistance, including secretarial and clerical assistance, as may be required to carry out its functions under this Act.

“(h) Members of the Council shall serve without compensation but shall receive reimbursement for necessary travel and subsistence expenses incurred by them in the performance of the duties of the Council.”

SCHOOL BREAKFAST PROGRAM AUTHORIZATION

SEC. 10. Section 4 of the Child Nutrition Act of 1966 is hereby amended to read as follows:

“SCHOOL BREAKFAST PROGRAM AUTHORIZATION

“SEC. 4. (a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1971, \$25,000,000; for the fiscal year ending June 30, 1972, \$50,000,000; and for the fiscal year ending June 30, 1973, \$75,000,000 to enable schools to initiate, maintain, or expand nonprofit breakfast programs for needy school children.

“APPORTIONMENT TO STATES

“(b) The Secretary shall apportion the funds appropriated pursuant to this section for any fiscal year in accordance

with the apportionment formula contained in section 11 of the National School Lunch Act, as amended.

“STATE DISBURSEMENT TO SCHOOLS

“(c) Funds apportioned and paid to any State for the purpose of this section shall be disbursed by the State educational agency to schools selected by the State educational agency, to reimburse such schools for the cost of obtaining agricultural and other foods for consumption by needy children in a breakfast program and for the purpose of subsection (d). Such food costs may include, in addition to the purchase price, the cost of processing, distributing, transporting, storing, and handling. Disbursement to schools shall be made at such rates per meal or on such other basis as the Secretary shall prescribe. In selecting schools, the State educational agency shall, to the extent practicable, give first consideration to those schools drawing attendance from areas in which poor economic conditions exist and to those schools to which a substantial proportion of the children enrolled must travel long distances daily. In circumstances of severe need where the rate per meal established by the Secretary is deemed by him insufficient to carry on an effective breakfast program in a school, the Secretary may authorize financial assistance up to 80 per centum of the operating costs of such a program, including cost of obtaining, preparing, and serving food. In the selection of schools to receive assistance under this section, the

State educational agency shall require applicant schools to provide justification of the need for such assistance.

“NUTRITIONAL AND OTHER PROGRAM REQUIREMENTS

“(d) Breakfasts served by schools participating in the school breakfast program under this section shall consist of a combination of foods and shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research. Such breakfasts shall be served without cost or at a reduced cost only to children who are determined by local school authorities to be unable to pay the full costs of the breakfast. Such determination shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions: Provided, That any child who is a member of a household which (a) is eligible to participate in a food stamp or commodity distribution program, or (b) has an annual income equivalent to or less than \$4,000 for a household of four persons shall be eligible to receive meals. In making such determinations, such local authorities should, to the extent practicable, consult with public welfare and health agencies. No physical segregation of or other discrimination against any child shall be made by the

school because of his inability to pay, nor shall there be any overt identification of any such child by special tokens or tickets, announced or published lists of names, or other means.

“NONPROFIT PRIVATE SCHOOLS

“(e) The withholding of funds for and disbursement to nonprofit private schools will be effected in accordance with section 10 of the National School Lunch Act, as amended, exclusive of the matching provisions thereof.”

Attest:

Secretary.

91ST CONGRESS
2^D SESSION

H. R. 515

AMENDMENT

which has sustained life through all of history.

Yet it is only recently that man has begun to fully appreciate just how complex, and now delicately balanced, is God's design. We are only now awakening to the incredible complexity of the earth's ecology, the system by which living organisms and the non-living environment function together as a whole. In the past man has been blind to his own utter dependency on the oceans, forests and grasslands. He has not realized that he is only a part of a vast web of interacting organisms and processes, those processes which allow the rivers to flow into the seas and yet the seas not to be full.

Four hundred million years ago, our earth's atmosphere was enriched to its life-supporting mixture of oxygen and other gases. With uncanny precision, this mixture was then maintained by plants, animals and bacteria, which used and returned the gases at equal rates. The process is governed by distinct laws of life and balance which assure that no single type of animal or plant will proliferate and dominate the community. By adding just one alien component to this delicate balance, man can quite unknowingly trigger a series of dangerous changes.

An interesting example of the dangers of man's tampering with the system is the campaign waged in South Africa against hippopotamuses. Deemed useless beasts, they were shot on sight. Sometime later, an agonizing liver and intestinal disease swept the country. Though these two events were on the surface entirely unrelated, it was finally discovered that they were in fact tied together by one of nature's intricate chains. It seemed that without the hippos to keep river silt in motion as they bathed and to make natural irrigation channels, the rivers silted up and periodic floods swept lower adjacent lands. The altered conditions favored the proliferation of disease-carrying snails, which in turn were responsible for the epidemic.

We are learning more every day about man's assaults upon the system created to sustain him. Scientists have reported that just as people get hooked on drugs, so the soil seems to become addicted to chemical additives and loses its ability to fix its own nitrogen. A respected geo-physicist has concluded that man's activities have even upset the interior conditions of the earth's crust. It appears that wherever huge dams are built, the earth starts shuddering, due to the enormous weight of the water in the reservoirs behind the dam.

The earth has a truly marvelous built-in waste-disposal system, but man's activities are now taxing the system's limits. Modern technology is pressuring nature with tens of thousands of synthetic substances, many of which almost totally resist decay—thus poisoning man's fellow creatures, to say nothing of himself. The burden includes smog fumes, aluminum cans that do not rust, inorganic plastics that may last for decades, floating oil that can change the thermal reflectivity of oceans, and radioactive wastes whose toxicity lingers for literally hundreds of years. Most pollutants probably end up in the oceans, and some fear that the oceans will become so burdened with noxious wastes that they will lose their vast power of self-purification.

Some scientists are predicting that man's activities have already doomed life on earth. We are warned that the earth is warming up and that we can look forward to a melting of the icecaps and drowning of the world's coastal cities; or that the planet is cooling and we are headed for another ice age; or that nitrogen build-up will eventually cause light to be completely filtered out of the atmosphere. But it is not only these science-fiction type predictions that are frightening. Some of the results of man's carelessness are all too real and visible today. We feel shaken

when we read that several times each week public schools in some of our major cities forbid children to exercise lest they breathe too deeply of the polluted air.

We can trace this environmental crisis to a few deeply ingrained assumptions. We have dedicated ourselves to the idea of infinite growth, though we live on a finite planet. We have assumed that nature is endlessly bountiful, that economic growth is worth any effort. There is also the even more fundamental belief that nature exists primarily for man to conquer. Many thinkers trace this idea back to the passage in Genesis in which God gave man "dominion over the fish of the sea, and over the birds of the air, and over the cattle, and over all the earth." But I believe we are now coming to understand, if we have not in the past, that our dominion over nature involves not only the exercise of power, but a tremendous responsibility as well.

And yet, there is more: man is also abusing nature through his sheer numbers. Unprecedented population growth during the past few centuries is a key factor in today's environmental crisis. For human population growth has suddenly become cancerous.

The following lines, written by a demographer about the life of Wolfgang Amadeus Mozart, point out the revolution that has caused this tremendous growth:

One of seven children, five of whom died within six months of birth; Father of six children, only two of whom lived six months. Himself a survivor of scarlet fever, smallpox, and lesser diseases. Only to die at the age of 35 years and ten months. From a cause not diagnosable by the medical knowledge of his time; Thus making his life demographically typical of most of man's history.

The fact that this account startles us today is evidence of the revolution that rising health standards and resulting low-level death rates have brought about. The low-level death rates which Europe required a century and a half to achieve are now being accomplished in the emerging nations in a fifth of that time.

The human population in 6000 B.C. was about five million people. It had taken perhaps one million years to get there from two and a half million. Then the population began doubling every thousand years or so, reaching 500 million about 1650 A.D. Then it doubled in some 200 years, reaching one billion around 1850. The next doubling took only 30 years or so, with the population reaching two billion around 1930. And in just 40 years we have almost completed the next doubling, to four billion people on the face of the earth. The reduction in doubling times is startling: 1,000,000 years, 1,000 years, 200 years, 80 years, 40 years.

To project the totals beyond the year 2000 becomes so demanding on the imagination as to make the statistics almost incomprehensible. A child born today, living on into his 70's, would know a world of 15 billion. His grandson would share the planet with 60 billion. In six and a half centuries there would be one human being standing on every square foot of land on earth. But such projections, are, of course, unreal. They will not come to pass because events will not permit them to come to pass. And some are predicting that these events will be dismal: mass starvation, mass death due to lack of oxygen, political chaos.

One of the laws of life and balance has always been that predators are required to hold the population within the limits of its food supply. In the case of man, war, pestilence, disease and famine have served this function for millions of years. Now, however, man has tipped the balance in his battle against these predators. We are, quite naturally, not willing to forgo the blessings of medical science for the sake of allowing the natural order to prevail. Nor are we willing to promote war as a means of keeping population down. Committed as we are to the value

of the individual life, we must reject these means and somehow find others. I regret that I can offer no easy answers or solutions. I can only say that we must face our dilemma squarely and be prepared to make some difficult decisions, if we are to avert the catastrophe that will otherwise result.

Colman McCarthy, in a recent article in the Washington Post entitled "The Lack of Reverence for Nature," made the following comments on man's relationship to the earth:

Man is only a recent visitor to the planet earth. Compared to the billions of years that the primordial forces worked in silence in the vast canyons of cosmic space, he has been here only an infinitesimal moment. The prospect that he will pollute his species back to oblivion is a huge tragedy, but perhaps it is only part of a cycle, a ripple in the contour of evolution, part of the pilgrimage of living things that began with cells and plants and only lately has included man.

The philosopher Whitehead saw the earth as a "second-rate planet revolving around a second-rate sun." Despite this, the earth has been a gracious host for the few moments its most recent visitor—man—has been here. But it has never guaranteed this species a permanent place; and because man is doing what no other species has ever done—quarreling with Nature—it appears that his presence on earth will be nothing more than a brief guest appearance.

As I looked at the basketball-sized earth through the TV cameras of the astronauts, I was struck by how small the earth is, how limited its precious resources, and how crucial it is that man exercise his authority over this pinpoint in space wisely and well. We cannot, of course, fathom God's intentions in allowing man to develop a technology that threatens the existence of life on earth. In our zeal for progress we have even gone so far as to split the atom, which surely is the ultimate form of pollution. Maybe we have already gone too far. But I would like to believe that the success of our space ventures is an omen—that we will continue discovering the laws of nature which sustain our marvelous planet, and that we will learn to live in harmony with them. Man's dominion over the earth is truly a marvelous challenge—to use the earth's resources to provide the best possible life for all its inhabitants, and at the same time to insure that the system may endure.

If we are not to be the victims of our own inventiveness in our "quarrel with nature," we must delay no longer in facing the responsibilities of our stewardship. Our generation must commit itself to using the earth's resources wisely, so that they may be passed on to the next generation undiminished and unspoiled.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS AMENDMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The BILL CLERK. A bill (S. 2548) to amend the National School Lunch Act

and Child Nutrition Act of 1966 to strengthen and improve the food service programs provided for children under such acts.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. TALMADGE. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that I be permitted to withdraw my amendment No. 514 at this time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 508

Mr. JAVITS. Mr. President, I call up my amendment No. 508 and ask that it be reported in a slightly revised form.

The PRESIDING OFFICER. The clerk will report the amendment in the slightly revised form.

The legislative clerk read as follows:

On page 21, beginning with line 9, strike out all down through line 18, and insert in lieu thereof the following:

"Sec. 6. (a) The second sentence of section 9 of the National School Lunch Act (42 U.S.C. 1751) is amended by inserting 'not exceeding 20 cents per meal' immediately after 'or at a reduced cost.'"

"(b) Section 9 of the National School Lunch Act is further amended by inserting after the second sentence thereof two new sentences as follows: 'Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions; but any child who is a member of a household which (1) is eligible to participate in a Federal food stamp program or commodity distribution program or (2) has an annual income equivalent to \$4,000 or less for a household of four persons shall be served meals without cost. Determination with respect to the annual income any household shall be made solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household.'"

On page 21, line 19, strike out "(b)" and insert in lieu thereof "(c)".

On page 22, line 3, strike out "(c)" and insert in lieu thereof "(d)".

On page 22, line 12, strike out "(d)" and insert in lieu thereof "(e)".

On page 22, line 20, immediately after the period insert the following: "The requirements of this section relating to the service of meals without cost or at a reduced cost shall apply to the lunch program of any school utilizing commodities donated under any of the provisions of law referred to in the preceding sentence."

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. I yield myself 10 minutes. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. I gather that there is an hour and a half on the amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Three-quarters of an hour to be controlled by me.

GENERAL EXPLANATION OF AMENDMENT

Mr. President, I introduce at this time an amendment to the Agriculture committee's bill, which would specify that the price to the child of a "reduced price" lunch could not exceed 20 cents and, second, would establish uniform eligibility standards under the National School Lunch Act to assure that all children from poor families receive free lunches.

All pupils from households eligible to receive Food Stamps or commodities under Federal programs or from families with an equivalent annual income of \$4,000 or less for a family of four would be eligible for free lunches.

This amendment differs from amendment No. 508, which I filed last Friday, only in that the eligibility requirement applies solely to lunches and not, as in the case of No. 508, to breakfasts as well. This modification takes into account the action by the Senate yesterday on the amendment proposed by Senator KENNEDY, which sought to establish eligibility standards for free breakfasts.

My amendment would implement the important recommendation of the recent White House Conference on Food, Nutrition and Health, which called for a "nationally determined standard of eligibility for free and reduced price meals."

Mr. President, under present law, which would be unchanged by the committee, the determination of eligibility for free lunches is left by statute and by U.S. Department of Agriculture regulations solely to the discretion of individual schools. Testimony before the Select Committee on Nutrition and Human Needs—of which I am the ranking minority member—has clearly underscored the need for a national standard.

One witness, Miss Jean Fairfax, who formerly was chairman of the interfaith committee on school lunch participation, which published "Their Daily Bread," a study of the school lunch program, stated that the lack of uniform procedures for determining eligibility for free meals was one of the main problems affecting the rights and dignity of poor children. Information which she received from 40 State school lunch directors and community groups indicated wide variances among the State definitions of eligibility for free lunches. For example, some States indicated that being on welfare was sufficient evidence of need; others indicated that it only made a child eligible for consideration, while still others provided no guidance at all. Another witness stated there was arbitrary administration of the free lunch program on the part of principals resulting in a variance from school to school as to who is eligible depending upon the principal's interpretation of school board policy.

My amendment would establish a national eligibility standard to assure that all children from families with equivalent income of \$4,000 or less for a family of four, or from households eligible to receive food stamps or commodities under federal programs, would receive free lunches.

Mr. President, \$4,000 is substantially below the \$6,000 level which the Bureau of Labor Statistics has estimated is necessary for a family of four to maintain a "low standard of living," and it is slightly above the poverty index based on an economy food plan, which even the Department of Agriculture has acknowledged is inadequate to provide a proper diet. \$4,000 was the eligibility level adopted by the Senate last year in the Senate-passed food stamp program.

As I noted, this amendment provides that free lunches shall be made available to those eligible under the food stamp or commodity program. The alternative of participation in food stamp or commodity programs is necessary because there could be instances where a family of four has an annual income which exceeds \$4,000 but is still eligible to participate in the food stamp program or commodity program.

For example, in my State of New York, a family of four will qualify for food stamps if the annual income is less than \$4,200. This figure is above \$4,000, but family eligibility for the stamp program would still allow their children to receive free meals. Furthermore, the Department of Agriculture's new food-stamp program includes provisions for a stamp allotment for a family of four with a monthly income of up to \$359.99, or over \$4,300 per year. Therefore even under the Department's schedule, there could be instances in which a family's annual income would exceed \$4,000 and yet the family still would be entitled to receive an allotment of stamps.

This amendment would require all schools which receive commodities for lunch programs, but which do not participate in the school lunch program, to meet requirements set forth above. For example, there are approximately 14,000 schools in the United States that do not participate in the national school lunch program but receive section 32 and 416 donated foods and special milk reimbursement. No requirement is imposed on these schools for meal standards or for providing meals to needy children attending such schools. This provision would require these 14,000 schools to meet the same program requirements for standards as national school lunch schools.

For example, at the Los Angeles hearings of the Select Committee on Nutrition and Human Needs, which I chaired, the director of the Los Angeles school lunch program stated in his testimony:

Until passage of the Child Nutrition Act of 1966, no provision had been made to provide free or reduced-price meals to pupils on a district-wide basis with district funds—a private organization assumed that responsibility.

The district did, however, receive commodities for its own lunch program. My amendment would require schools in a similar situation to meet the eligibility

requirement of free and reduced-price lunches above if they were to receive any commodities at all for their program under the School Lunch Act.

The Department of Agriculture has indicated in regulations issued on October 23, 1968, that free or reduced-price meals should be provided to children from any family certified as eligible for assistance under the food stamp program or the commodity distribution program. My amendment seeks to firmly establish the policy that any children from families that qualify for food stamp programs or commodity distribution programs shall be eligible for free lunches.

Office of Education figures indicate that there would be 9 million children eligible at the \$4,000 level. Based upon a study by Rodney Leonard, former Administrator of the Consumer and Marketing Service of the Department of Agriculture, and now a consultant to the Children's Foundation, only 3 million children are receiving free or reduced-cost lunches.

Mr. President, members of the Agriculture Committee may have different estimates of the number of children who would be entitled to free lunches under the standard, but none I think would question the ultimate goal of providing free lunches to such persons. As Senator DOLE stated yesterday, we first should establish a priority of feeding children under the school lunch program.

My amendment also would specify that the price to the child of a "reduced price" meal could not exceed 20 cents. Children from families above the \$4,000 level, but with insufficient resources to pay the full 35 cents or 40 cents usually charged, would still have a right to receive such reduced-price lunches under criteria established by the States and schools. At present, no regulation or statute governs the price of such a lunch.

The purpose of a reduced-price lunch is to bring a meal to a child who could not afford a meal at the regular price. The current lack of a definition thwarts this purpose and penalizes school districts that provide meals at a truly reduced price. Under the present system, districts that served reduced-price meals at only a trivial reduction—equal to the cost of a regular-price meal in other districts—are permitted to claim the larger reimbursement for a free or reduced-price meal. Thus, the money reserve for free and reduced-price meals is unfairly depleted at the expense of schools doing the best job. It is apparent that a uniform definition is needed.

The respected study, "Their Daily Bread," has shown that the lower the price, the higher the number of pupils who buy the school lunch. In two schools where the price was 20 cents, participation was 100 percent. At 25 cents, participation drops to near 80 percent, and 30 cents it falls sharply to between 27 percent and 37 percent. Although this study was conducted over 2 years ago, it is even more valid today since the price of school lunches has increased since then.

Finally, my amendment also first, would require—permit—a sworn affidavit, in such form as the Secretary pre-

scribed, to be the sole basis upon which income is determined for eligibility for free lunches; and, second, would make the requirements of above stated standards apply to those schools which do not participate in the school lunch program but receive Federal commodities.

The record is clear that the use of an affidavit is needed and worthwhile: The White House Conference on Food, Nutrition, and Health recommended the use of "a simple self-certification process free from any humiliating or discriminatory practices," for child feeding programs; the Senate recognized this principle by including a provision for certification by affidavit for the food stamp program in its food stamp bill; the President proposed that applicants for welfare assistance be certified by simple personal self-declaration, and the fact that the city of New York is already using the affidavit for over 100,000 welfare recipients in the aged category and hopes to expand this method of eligibility determination to other public-assistance categories.

The Senate will be interested to know that a demonstration project administering AFDC at social service centers to test the use of formal declaration statements showed that there was no significant difference in eligibility findings between the declaration cases and the nondeclaration cases. I think that the case for implementing such an affidavit system for determination of income or food stamp or commodity participation for receipt of free lunches is very sound based upon the above data alone.

It has often been stated that a hungry child cannot learn. Let us act today to put an end to the problem of hunger among our children. Let us act to feed the millions of hungry children in this Nation so that all of them will be able to have full stomachs leading to full and healthy minds. I feel that this amendment will go a long way toward meeting that objective.

Mr. President, I ask unanimous consent that the various parts of this amendment may be considered en bloc.

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

COMMITTEE ACTION ON S. 2548 COMMENDABLE

Mr. JAVITS. Mr. President, this is, really, a sequel to the work which was done yesterday. I would be remiss in my duty to the Senate if I did not say again—as a number of Senators said yesterday—that the bill of the Senator from Georgia (Mr. TALMADGE), of which a good deal is incorporated in S. 2548, is itself a massive and major improvement in respect to the school lunch program.

Mr. TALMADGE. Mr. President, will the Senator from New York yield at that point?

Mr. JAVITS. I yield.

Mr. TALMADGE. I desire to express my deep appreciation to the distinguished senior Senator from New York for his generous personal reference to me. The Senator, as I recall, testified before the committee when we held hearings on the matter on behalf of his own and on behalf of other bills pending relating to the amendment. I am

grateful to the Senator for his comments.

Mr. JAVITS. I thank the Senator. I would not wish to detract from the Senator's fine efforts, but we think his efforts are improved by the amendment—and when I say "we," I refer to the group of Senators who have sponsored the amendments. I would not wish to detract one whit from the sterling job done by the Senator from Georgia in committee or in the remotest way to imply our unhappiness with it. On the contrary, it is a fine job and materially improves the program.

I consider Senator MCGOVERN's amendment, considered and adopted yesterday, to be a material improvement in S. 2548. He, too, tried in committee. I would like to say that the committee has performed most laudably; namely, it analyzed in its report the amendments of the Senator from South Dakota (Mr. MCGOVERN), and my own bill, S. 2982. That was commendable in that it actually put forth the reasons why it did not include certain aspects of these provisions in the bill.

Mr. TALMADGE. If the Senator will yield at that point, I should like to point out that in executive session not only did it take testimony in all the areas from interested Senators and others, and from the Senator from New York and the Senator from South Dakota and myself and various other Senators, but also every suggestion that was made by any Senator and any other witness, was considered in detail in executive session. The department's views were requested and the matter was voted on by the committee in executive session.

Mr. JAVITS. I thank my colleague. I might point out, too, that a good deal of what was asked by those measures got into the bill, which I think is also laudable. For example, the committee set aside 1 percent of the funds which are available, to deal with something very close to my heart; namely, the problem of using the private enterprise system.

Mr. TALMADGE. I might point out, if the Senator will yield, that I know he was interested, in certain instances, in private food vendors or caterers serving food in schools that do not have facilities for breakfast programs and school lunchroom facilities. I think, as a result of the legislation proposed by the Senator, and as a result of the committee hearings and inquiries, that the department has issued its order, that effective April 1, private caterers will be able to serve schools that do not have facilities now.

Mr. JAVITS. The Senator is exactly right. That is contained in the report, and will figure in the discussion of the next amendment which I have.

I also note with great approval the following Committee actions: the requirement for the development of uniform standards and procedures in respect to school allocations, which was also dealt with by the McGovern amendment yesterday; funds for training and education; prohibiting overt identification of children who are associated with the program; recognition of the fact that low income individuals are available who can be trained to administer and supervise programs. I am pleased that the committee directs attention to the fact that

that should be done even if not exactly as I proposed in my own lunch bill S. 2982.

Therefore, I certainly think that none of us can complain on the one side, on the part of those of us proposing amendments to the bill, that they were not considered and, on the other side, as sometimes happens, there can be no complaint that what we had in mind was not fully submitted to and exposed to the Committee on Agriculture and Forestry, for approval or disapproval.

This has shown, in my judgment, the very best of the Senate. What does remain, however, are honest differences of opinion with respect to what should be done.

My amendment, which I feel is key, relates to the desirability of a national standard—that is, a national minimum standard. I hasten to point out that the committee itself provided a sort of compromise on this subject. What it did was to provide that determinations should be made public.

The bill provides, on page 21, line 14:

Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions.

FURTHER AND SPECIFIC REASONS FOR A NATIONAL STANDARD OF \$4,000

As I have stated, what my amendment adds is essentially a basic national income standard which shall not be less than the \$4,000 level.

The reason for the advantages and desirabilities of a national standard are attributable to the fact that we have had considerable testimony, and the testimony of a very considered report by the

interfaith group called the Committee on School Lunch Participation in a publication called, *Our Daily Bread*, which indicated that one of the three problems with respect to the school lunch program was the absence of a national standard.

There were wide variances in the States' definition of eligibility for free or reduced price lunches. That was not only true of the States, but the amendment of the committee will precisely make it true by districts as well. It seems to me and my associates in this amendment—the same group that sponsored the amendments of yesterday—Senators COOK, HART, KENNEDY, MCGOVERN, MONDALE, PELL, PERCY, and YARBOROUGH—that a national standard is essential if we are to put the school lunch program on a basis of national fairness. A national standard is also essential to realize the objectives which have now been, in my judgment, etched on the conscience of the people of the United States, based upon the findings of the Select Committee on Nutrition and Human Needs chaired by the Senator from South Dakota (Mr. MCGOVERN), of which I am the ranking minority member.

The PRESIDING OFFICER (Mr. MCGOVERN in the chair). The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself an additional 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for an additional 10 minutes.

Mr. JAVITS. Mr. President, as to the propriety of the \$4,000 minimum standard, I call the attention of the Senate to the figures from the cost of living index for the spring of 1969, which were published recently, by the Bureau of Labor Statistics.

I ask unanimous consent that the table attached to that study together with the material issued by the Bureau of Labor

Statistics, dated December 1969, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THREE BUDGETS FOR AN URBAN FAMILY OF FOUR PERSONS; PRELIMINARY SPRING 1969 COST ESTIMATES

The Bureau of Labor Statistics has developed a set of budgets which describes a specified manner of living at three levels for an urban family of four persons—husband, wife, 13-year-old boy, and 8-year-old girl. These budgets, described as Lower, Intermediate and Higher, were first published in the report, *Three Standards of Living for an Urban Family of Four Persons, Spring 1967* (Bulletin 1570-5), and in the April 1969 issue of the *Monthly Labor Review*, Reprint No. 2611. Preliminary estimates of the budget costs in 39 metropolitan areas, 4 regional classes of nonmetropolitan areas, and urban U.S. are now available for spring 1969.

The "food at home" costs in these budgets are final estimates. For other consumption costs, preliminary estimates were derived by applying price changes between spring 1967 and spring 1969, reported in the Consumer Price Index, to the appropriate spring 1967 cost of each budget class of goods and services. These estimates are preliminary because the Consumer Price Index reflects prices paid for commodities and services purchased by urban wage earners and clerical workers generally, without regard to their family type and level of living. The final estimates will utilize specific price data considered more appropriate to each budget level than is the Consumer Price Index.

Other costs and OASDHI were also updated to 1969, but personal taxes were computed from tax rates in effect for 1968. Final detailed estimates based on the complete repricing of the budgets in spring 1969 will be published in mid-1970.

Bulletin 1570-5 can be purchased from the regional offices of the Bureau of Labor Statistics and the Superintendent of Documents, Washington, D.C. 20402. Price \$1. *Monthly Labor Review* Reprint No. 2611 is available upon request.

TABLE 1.—ANNUAL COSTS OF A LOWER BUDGET FOR A 4-PERSON FAMILY,¹ SPRING 1969

Area	Cost of family consumption								Personal taxes ²
	Total budget ²	Total	Food	Housing ³	Transportation ⁴	Clothing and personal care	Medical care ⁵	Other family consumption	
Urban United States.....	\$6,567	\$5,285	\$1,778	\$1,384	\$484	\$780	\$539	\$320	\$619
Metropolitan areas ⁶	6,673	5,364	1,803	1,418	457	796	557	333	638
Nonmetropolitan areas ⁷	6,092	4,935	1,663	1,235	603	713	460	261	536
Northeast:									
Boston, Mass.....	7,035	5,593	1,867	1,583	475	776	556	336	759
Buffalo, N.Y.....	6,791	5,412	1,849	1,384	489	851	507	332	698
Hartford, Conn.....	7,163	5,804	1,927	1,631	498	842	566	340	664
Lancaster, Pa.....	6,445	5,185	1,842	1,303	434	791	479	336	618
New York-Northeastern New Jersey.....	6,771	5,410	1,913	1,324	408	827	598	340	679
Philadelphia, Pa.-N.J.....	6,628	5,279	1,902	1,271	442	794	542	328	692
Pittsburgh, Pa.....	6,487	5,200	1,819	1,267	475	789	511	339	643
Portland, Maine.....	6,567	5,352	1,809	1,413	433	798	542	357	562
Nonmetropolitan areas ⁷	6,290	5,073	1,779	1,186	617	732	502	257	572
North Central:									
Cedar Rapids, Iowa.....	6,653	5,342	1,687	1,579	446	808	496	326	655
Champaign-Urbana, Ill.....	6,857	5,570	1,754	1,711	453	774	554	324	614
Chicago, Ill.-Northwestern Indiana.....	6,799	5,512	1,848	1,519	464	794	557	330	619
Cincinnati, Ohio-Ky.-Ind.....	6,278	5,079	1,758	1,260	478	778	471	334	568
Cleveland, Ohio.....	6,651	5,368	1,786	1,411	491	802	536	342	626
Dayton, Ohio.....	6,513	5,293	1,739	1,471	446	785	461	337	627
Detroit, Mich.....	6,543	5,268	1,817	1,310	480	788	538	335	626
Green Bay, Wis.....	6,255	4,952	1,680	1,334	436	748	448	306	677
Indianapolis, Ind.....	6,706	5,396	1,782	1,561	468	777	476	332	649
Kansas City, Mo.-Kans.....	6,550	5,282	1,799	1,376	469	818	500	320	619
Milwaukee, Wis.....	6,721	5,275	1,726	1,483	455	784	511	316	788
Minneapolis-St. Paul, Minn.....	6,714	5,267	1,725	1,458	476	787	488	333	790
St. Louis, Mo.-Ill.....	6,572	5,297	1,832	1,381	488	790	489	317	624
Wichita, Kans.....	6,537	5,269	1,755	1,444	464	789	501	316	619
Nonmetropolitan areas ⁷	6,408	5,152	1,686	1,421	589	740	456	260	616

Footnotes at end of table.

Area	Cost of family consumption								Personal taxes
	Total budget ¹	Total	Food	Housing ²	Transportation ³	Clothing and personal care	Medical care	Other family consumption	
South:									
Atlanta, Ga.	\$6,201	\$5,048	\$1,651	\$1,334	\$452	\$750	\$514	\$347	\$527
Austin, Tex.	5,812	4,776	1,663	1,116	436	720	530	311	437
Baltimore, Md.	6,491	5,176	1,678	1,420	492	746	509	331	671
Baton Rouge, La.	5,997	4,911	1,672	1,210	477	727	505	320	474
Dallas, Tex.	6,214	5,077	1,633	1,346	449	738	583	328	510
Durham, N.C.	6,196	4,983	1,617	1,346	428	749	524	319	590
Houston, Tex.	6,130	5,017	1,692	1,233	492	723	556	321	491
Nashville, Tenn.	6,151	5,037	1,622	1,386	451	744	488	346	491
Orlando, Fla.	6,033	4,944	1,606	1,323	440	727	514	334	474
Washington, D.C.-Md.-Va.	6,907	5,501	1,781	1,567	488	780	549	336	732
Nonmetropolitan areas ⁴	5,712	4,680	1,583	1,128	597	671	438	263	439
West:									
Bakersfield, Calif.	6,424	5,176	1,784	1,193	479	815	584	321	544
Denver, Colo.	6,425	5,206	1,705	1,409	450	802	533	307	579
Los Angeles-Long Beach, Calif.	7,030	5,628	1,787	1,509	467	817	709	339	648
San Diego, Calif.	6,792	5,444	1,750	1,461	484	783	630	336	614
San Francisco-Oakland, Calif.	7,309	5,832	1,850	1,676	491	866	602	347	701
Seattle-Everett, Wash.	7,197	5,817	1,935	1,662	486	837	564	333	683
Honolulu, Hawaii	8,168	6,347	2,162	2,013	541	750	534	347	1,080
Nonmetropolitan areas ⁴	6,561	5,230	1,728	1,359	618	789	477	259	682
Anchorage, Alaska	9,913	7,673	2,289	2,661	806	882	719	316	1,416

¹ The family consists of an employed husband, age 38, a wife not employed outside the home, an 8-year-old girl, and a 13-year-old boy.

² In addition to family consumption and personal taxes shown separately in the table, the total cost of the budget includes allowances for gifts and contributions, life insurance, occupational expenses, and social security, disability, and unemployment compensation taxes.

³ Housing includes shelter, household operations, and housefurnishings. All families with the lower budget are assumed to be renters.

⁴ The average costs of automobile owners and nonowners are weighted by the following proportions of families: Boston, Chicago, New York, and Philadelphia, 50 percent for both automobile

owners and nonowners; all other metropolitan areas, 65 percent for automobile owners, 35 percent for nonowners; nonmetropolitan areas, 100 percent for automobile owners.

⁵ In total medical care, the average costs of medical insurance were weighted by the following proportions: 30 percent for families paying full cost of insurance; 26 percent for families paying half cost; 44 percent for families covered by noncontributory insurance plans (paid by employer).

⁶ For a detailed description see the 1967 edition of the Standard Metropolitan Statistical Areas, prepared by the Bureau of the Budget.

⁷ Places with populations of 2,500 to 50,000.

Note: Because of rounding, sums of individual items may not equal totals.

TABLE 2.—ANNUAL COSTS OF AN INTERMEDIATE BUDGET FOR A 4-PERSON FAMILY,¹ SPRING 1969

Area	Cost of family consumption								Personal taxes
	Total budget ²	Total	Food	Housing ³	Transportation ⁴	Clothing and personal care	Medical care ⁵	Other family consumption	
Urban United States	\$10,077	\$7,818	\$2,288	\$2,351	\$940	\$1,095	\$543	\$601	\$1,348
Metropolitan areas ⁶	10,273	7,968	2,322	2,426	925	1,113	561	621	1,387
Nonmetropolitan areas ⁷	9,204	7,151	2,135	2,012	1,006	1,023	464	511	1,176
Northeast:									
Boston, Mass.	11,108	8,534	2,465	2,866	944	1,078	559	622	1,651
Buffalo, N.Y.	10,801	8,250	2,400	2,530	993	1,190	512	625	1,622
Hartford, Conn.	10,934	8,632	2,551	2,691	1,037	1,162	571	620	1,376
Lancaster, Pa.	9,932	7,743	2,438	2,178	906	1,089	482	650	1,294
New York-northeastern New Jersey	11,236	8,589	2,541	2,796	855	1,158	600	639	1,703
Philadelphia, Pa.-N.J.	10,160	7,859	2,486	2,246	869	1,096	547	615	1,398
Pittsburgh, Pa.	9,757	7,601	2,377	2,077	916	1,097	514	620	1,266
Portland, Maine	10,117	7,992	2,430	2,315	944	1,119	545	639	1,221
Nonmetropolitan areas ⁷	9,952	7,720	2,334	2,309	1,027	1,033	506	511	1,324
North Central:									
Cedar Rapids, Iowa	10,143	7,814	2,127	2,486	957	1,127	498	619	1,432
Champaign-Urbana, Ill.	10,200	8,059	2,239	2,626	921	1,092	558	623	1,235
Chicago, Ill.-northwestern Indiana	10,332	8,154	2,325	2,651	892	1,105	562	619	1,269
Cincinnati, Ohio-Ky.-Ind.	9,783	7,631	2,221	2,290	944	1,087	477	612	1,261
Cleveland, Ohio	10,453	8,182	2,252	2,697	930	1,135	541	627	1,361
Dayton, Ohio	9,604	7,498	2,191	2,200	916	1,102	467	622	1,220
Detroit, Mich.	9,972	7,745	2,334	2,226	923	1,100	543	619	1,332
Green Bay, Wis.	9,825	7,400	2,123	2,270	912	1,056	452	587	1,542
Indianapolis, Ind.	10,139	7,902	2,257	2,491	978	1,078	481	617	1,336
Kansas City, Mo.-Kans.	9,943	7,732	2,277	2,210	991	1,145	503	606	1,316
Milwaukee, Wis.	10,586	7,942	2,201	2,616	918	1,096	515	596	1,742
Minneapolis-St. Paul, Minn.	10,369	7,773	2,187	2,420	955	1,096	492	623	1,700
St. Louis, Mo.-Ill.	10,065	7,834	2,330	2,353	952	1,109	494	596	1,333
Wichita, Kans.	9,763	7,598	2,179	2,224	989	1,099	505	602	1,275
Nonmetropolitan areas ⁷	9,425	7,304	2,111	2,169	982	1,064	461	517	1,241
South:									
Atlanta, Ga.	9,233	7,218	2,140	1,957	917	1,059	517	628	1,138
Austin, Tex.	8,832	6,986	2,137	1,815	907	1,014	534	579	977
Baltimore, Md.	9,735	7,391	2,202	2,088	921	1,062	512	606	1,461
Baton Rouge, La.	9,260	7,292	2,189	1,988	989	1,027	506	593	1,089
Dallas, Tex.	9,265	7,329	2,120	2,050	921	1,049	586	603	1,055
Durham, N.C.	9,592	7,363	2,099	2,163	915	1,051	527	608	1,347
Houston, Tex.	9,212	7,287	2,180	1,959	974	1,022	559	593	1,046
Nashville, Tenn.	9,295	7,354	2,085	2,145	943	1,053	494	634	1,060
Orlando, Fla.	9,162	7,252	2,069	2,092	933	1,023	519	616	1,032
Washington, D.C.-Md.-Va.	10,503	8,032	2,343	2,463	936	1,122	552	616	1,566
Nonmetropolitan areas ⁷	8,641	6,760	2,061	1,779	1,002	971	441	506	1,019
West:									
Bakersfield, Calif.	9,728	7,562	2,221	2,035	988	1,128	586	604	1,203
Denver, Colo.	9,790	7,613	2,133	2,300	945	1,113	537	585	1,287
Los Angeles-Long Beach, Calif.	10,285	7,986	2,240	2,328	934	1,141	714	629	1,321
San Diego, Calif.	10,127	7,866	2,187	2,364	969	1,093	634	619	1,288
San Francisco-Oakland, Calif.	10,865	8,412	2,332	2,611	1,000	1,214	607	648	1,461
Seattle-Everett, Wash.	10,485	8,276	2,434	2,474	1,009	1,167	568	624	1,295
Honolulu, Hawaii	12,064	9,009	2,699	2,959	1,138	1,036	537	640	2,116
Nonmetropolitan areas ⁷	9,662	7,393	2,133	2,125	1,017	1,124	481	513	1,386
Anchorage, Alaska	14,017	10,494	2,796	3,820	1,279	1,262	723	614	2,489

Footnotes on following page.

¹ The family consists of an employed husband, age 38, a wife not employed outside the home, an 8-year-old girl, and a 13-year-old boy.

² In addition to family consumption and personal taxes shown separately in the table, the total cost of the budget includes allowances for gifts and contributions, life insurance, occupational expenses, and social security, disability, and unemployment compensation taxes.

³ Housing includes shelter, household operations, and housefurnishings. The average costs of shelter are weighted by the following proportions: 25 percent for rental costs, 75 percent for homeowner costs.

⁴ The average costs of automobile owners and nonowners are weighted by the following proportions: Boston, Chicago, New York, and Philadelphia, 80 percent for owners, 20 percent for nonowners; Baltimore, Cleveland, Detroit, Los Angeles, Pittsburgh, San Francisco, St. Louis, and

Washington, with 1.4 million of population or more in 1960, 95 percent for automobile owners, and 5 percent for nonowners; all other areas, 100 percent for automobile owners.

⁵ In total medical care, the average costs of medical insurance are weighted by the following proportions: 30 percent for families paying full cost of insurance; 26 percent for families paying half cost; 44 percent for families covered by noncontributory insurance plans (paid by employer).

⁶ For a detailed description see the 1967 edition of the "Standard Metropolitan Statistical Areas," prepared by the Bureau of the Budget.

⁷ Places with populations of 2,500 to 50,000.

Note: Because of rounding, sums of individual items may not equal totals.

TABLE 3.—ANNUAL COSTS OF A HIGHER BUDGET FOR A 4-PERSON FAMILY,¹ SPRING 1969

Area	Cost of family consumption								
	Total budget ²	Total	Food	Housing ³	Transportation ⁴	Clothing and personal care	Medical care ⁵	Other family consumption	Personal taxes
Urban United States.....	\$14,589	\$10,804	\$2,821	\$3,544	\$1,215	\$1,609	\$565	\$1,050	\$2,523
Metropolitan areas ⁶	14,959	11,064	2,876	3,677	1,214	1,628	584	1,085	2,618
Nonmetropolitan areas ⁷	12,942	9,645	2,572	2,954	1,217	1,527	482	893	2,101
Northeast:									
Boston, Mass.....	16,341	11,944	2,998	4,355	1,342	1,570	583	1,096	3,091
Buffalo, N.Y.....	15,505	11,182	2,909	3,695	1,199	1,744	531	1,014	3,039
Hartford, Conn.....	15,424	11,700	3,155	3,902	1,250	1,696	592	1,105	2,430
Lancaster, Pa.....	14,096	10,585	2,982	3,234	1,122	1,602	502	1,143	2,273
New York-northeastern New Jersey.....	16,914	12,147	3,112	4,328	1,250	1,704	523	1,130	3,432
Philadelphia, Pa.-N.J.....	14,782	10,992	3,034	3,448	1,236	1,609	568	1,097	2,527
Pittsburgh, Pa.....	14,061	10,558	2,907	3,250	1,166	1,600	537	1,098	2,266
Portland, Maine.....	14,005	10,665	2,922	3,270	1,165	1,637	565	1,106	2,098
Nonmetropolitan areas ⁷	13,879	10,311	2,797	3,309	1,225	1,541	526	913	2,329
North Central:									
Cedar Rapids, Iowa.....	14,544	10,697	2,651	3,657	1,168	1,635	518	1,068	2,603
Champaign-Urbana, Ill.....	14,621	11,116	2,795	3,928	1,153	1,588	578	1,074	2,240
Chicago, Ill.-Northwestern Indiana.....	14,814	11,234	2,897	3,828	1,264	1,600	582	1,063	2,309
Cincinnati, Ohio-Ky.-Ind.....	13,730	10,303	2,782	3,249	1,140	1,588	497	1,047	2,203
Cleveland, Ohio.....	14,749	11,117	2,802	3,852	1,175	1,664	565	1,059	2,367
Dayton, Ohio.....	13,842	10,423	2,724	3,436	1,108	1,608	487	1,060	2,189
Detroit, Mich.....	14,464	10,745	2,931	3,401	1,180	1,591	567	1,075	2,473
Green Bay, Wis.....	14,348	10,207	2,655	3,427	1,116	1,526	472	1,011	2,922
Indianapolis, Ind.....	14,506	10,830	2,823	3,690	1,182	1,557	502	1,076	2,425
Kansas City, Mo.-Kans.....	14,228	10,594	2,831	3,378	1,200	1,613	527	1,045	2,395
Milwaukee, Wis.....	15,211	10,742	2,780	3,676	1,119	1,601	535	1,031	3,223
Minneapolis-St. Paul, Minn.....	14,803	10,537	2,729	3,491	1,156	1,580	513	1,068	3,030
St. Louis, Mo.-Ill.....	14,229	10,616	2,932	3,335	1,207	1,614	512	1,016	2,373
Wichita, Kans.....	13,912	10,363	2,706	3,286	1,224	1,599	526	1,022	2,322
Nonmetropolitan areas ⁷	13,382	9,936	2,577	3,182	1,186	1,603	480	908	2,240
South:									
Atlanta, Ga.....	13,269	9,888	2,655	2,885	1,150	1,604	538	1,056	2,178
Austin, Tex.....	12,618	9,659	2,617	2,819	1,158	1,494	555	1,016	1,767
Baltimore, Md.....	14,350	10,314	2,764	3,155	1,169	1,620	533	1,073	2,811
Baton Rouge, La.....	13,754	10,400	2,711	3,302	1,252	1,548	527	1,060	2,125
Dallas, Tex.....	13,565	10,358	2,658	3,261	1,167	1,591	609	1,072	1,980
Durham, N.C.....	13,910	10,126	2,589	3,167	1,170	1,587	544	1,069	2,569
Houston, Tex.....	13,306	10,156	2,711	3,032	1,243	1,548	584	1,038	1,933
Nashville, Tenn.....	13,413	10,235	2,546	3,320	1,180	1,594	511	1,084	1,957
Orlando, Fla.....	13,452	10,272	2,563	3,343	1,191	1,557	537	1,081	1,957
Washington, D.C.-Maryland-Virginia.....	15,350	11,127	2,906	3,683	1,174	1,716	571	1,077	2,958
Nonmetropolitan areas ⁷	12,146	9,143	2,466	2,656	1,217	1,470	459	875	1,836
West:									
Bakersfield, Calif.....	14,059	10,451	2,748	3,125	1,284	1,613	613	1,068	2,302
Denver, Colo.....	14,122	10,457	2,721	3,413	1,142	1,590	557	1,034	2,433
Los Angeles-Long Beach, Calif.....	15,137	11,187	2,815	3,673	1,223	1,639	743	1,094	2,608
San Diego, Calif.....	14,862	11,005	2,728	3,729	1,221	1,570	678	1,079	2,524
San Francisco-Oakland, Calif.....	15,752	11,600	2,937	3,882	1,285	1,743	634	1,119	2,789
Seattle-Everett, Wash.....	14,861	11,299	3,038	3,701	1,230	1,665	592	1,073	2,288
Honolulu, Hawaii.....	17,823	12,462	3,410	4,533	1,321	1,491	559	1,148	4,029
Nonmetropolitan areas ⁷	13,591	9,930	2,596	3,097	1,247	1,585	500	905	2,455
Anchorage, Alaska.....	19,035	13,579	3,389	5,168	1,461	1,775	754	1,032	4,025

¹ The family consists of an employed husband, age 38, a wife not employed outside the home, an 8-year-old girl, a 13-year-old boy.

² In addition to family consumption and personal taxes shown separately in the table, the total cost of the budget includes allowances for gifts and contributions, life insurance, occupational expenses, and social security, disability, and unemployment compensation taxes.

³ Housing includes shelter, household operations, housefurnishings and lodging out of home city. The average costs of shelter are weighted by the following proportions: 15 percent for rental costs, 85 percent for homeowner costs.

⁴ All families were assumed to be automobile owners.

⁵ In total medical care, the average costs of medical insurance were weighted by the following proportions: 30 percent for families paying full cost of insurance; 26 percent for families paying half cost; 44 percent for families covered by noncontributory insurance plan (paid by employer).

⁶ For a detailed description see the 1967 edition of the "Standard Metropolitan Statistical Area," prepared by the Bureau of the Budget.

⁷ Places with populations of 2,500 to 50,000.

Note: Because of rounding, sums of individual items may not equal totals.

TABLE 4.—INDEXES OF COMPARATIVE COSTS BASED ON A LOWER BUDGET FOR A 4-PERSON FAMILY,¹ SPRING 1969

[U.S. urban average cost=100]

Area	Cost of family consumption								
	Total budget ²	Total	Food	Housing ³	Transportation ⁴	Clothing and personal care	Medical care ⁵	Other family consumption	Personal taxes
Urban United States.....	100	100	100	100	100	100	100	100	100
Metropolitan areas ⁶	102	101	101	102	94	102	103	104	103
Nonmetropolitan areas ⁷	93	93	94	89	126	91	85	82	87
Northeast:									
Boston, Mass.....	107	106	105	114	98	99	103	105	123
Buffalo, N.Y.....	103	102	104	100	101	109	94	104	113
Hartford, Conn.....	109	110	108	118	103	108	105	106	107
Lancaster, Pa.....	98	98	104	94	90	101	89	105	100
New York-northeastern New Jersey.....	103	102	108	96	84	106	111	106	110
Philadelphia, Pa.-New Jersey.....	101	100	107	92	91	102	101	103	112
Pittsburgh, Pa.....	99	98	102	92	98	101	95	106	104
Portland, Maine.....	100	101	102	102	89	102	101	112	91
Nonmetropolitan areas ⁷	96	96	100	86	127	94	93	80	92

Footnotes at end of table.

Area	Cost of family consumption								Personal taxes
	Total budget ¹	Total	Food	Housing ³	Transportation ⁴	Clothing and personal care	Medical care	Other family consumption	
North Central:									
Cedar Rapids, Iowa	101	101	95	114	92	104	92	102	106
Champaign-Urbana, Ill.	104	105	99	124	94	99	103	101	99
Chicago, Ill.-Northwestern Indiana	104	104	104	110	96	102	103	103	100
Cincinnati, Ohio-Kentucky-Indiana	96	96	99	91	99	100	87	104	92
Cleveland, Ohio	101	102	100	102	101	103	99	107	101
Dayton, Ohio	99	99	98	106	92	101	86	105	101
Detroit, Mich.	100	100	102	95	99	101	100	105	101
Green Bay, Wis.	95	94	94	96	90	96	83	96	109
Indianapolis, Ind.	102	102	100	113	97	100	98	104	105
Kansas City, Mo.-Kans.	100	100	101	99	97	105	93	100	100
Milwaukee, Wis.	102	100	97	107	94	101	95	99	127
Minneapolis-St. Paul, Minn.	102	100	97	105	98	101	91	104	128
St. Louis, Mo.-Ill.	100	100	103	100	101	101	91	99	101
Wichita, Kans.	100	100	99	104	96	101	93	99	100
Nonmetropolitan areas ⁷	98	97	95	103	122	95	85	81	100
South:									
Atlanta, Ga.	94	96	93	96	93	96	95	108	85
Austin, Tex.	89	90	94	81	90	92	98	97	71
Baltimore, Md.	99	98	94	103	102	96	94	103	108
Baton Rouge, La.	91	93	94	87	99	93	94	100	77
Dallas, Tex.	95	96	92	97	93	95	108	103	82
Durham, N.C.	94	94	91	97	88	96	97	100	95
Houston, Tex.	93	95	95	89	102	93	103	100	79
Nashville, Tenn.	94	95	91	100	93	95	91	108	79
Orlando, Fla.	92	94	90	96	91	93	95	104	77
Washington, D.C.-Md.-Va.	105	104	113	101	101	100	102	105	118
Nonmetropolitan areas ⁷	87	89	89	82	123	86	81	82	71
West:									
Bakersfield, Calif.	98	98	100	86	99	104	108	100	88
Denver, Colo.	98	99	96	102	93	103	99	96	94
Los Angeles-Long Beach, Calif.	107	106	101	109	96	105	132	106	105
San Diego, Calif.	103	103	98	106	100	100	117	105	99
San Francisco-Oakland, Calif.	111	110	104	121	101	111	112	108	113
Seattle-Everett, Wash.	110	110	109	120	100	107	105	104	110
Honolulu, Hawaii	124	120	122	145	112	96	99	108	174
Nonmetropolitan areas ⁷	100	99	97	98	128	101	88	81	110
Anchorage, Alaska	151	145	129	192	167	113	133	99	229

¹ The family consists of an employed husband, age 38, a wife not employed outside the home, an 8-year-old girl, and a 13-year-old boy.

² In addition to family consumption and personal taxes shown separately in the table, the total cost of the budget includes allowances for gifts and contributions, life insurance, occupational expenses, and social security, disability, and unemployment compensation taxes.

³ Housing includes shelter, household operations, and housefurnishings. All families with the lower budget are assumed to be renters.

⁴ The average costs of automobile owners and nonowners are weighted by the following proportions of families: Boston, Chicago, New York, and Philadelphia, 50 percent for both automobile

⁵ In total medical care, the average costs of medical insurance were weighted by the following proportions: 30 percent for families paying full cost of insurance; 26 percent for families paying half cost; 44 percent for families covered by noncontributory insurance plans (paid by employer).

⁶ For a detailed description see the 1967 edition of the "Standard Metropolitan Statistical Areas," prepared by the Bureau of the Budget.

⁷ Places with populations of 2,500 to 50,000.

owners and nonowners; all other metropolitan areas, 65 percent for automobile owners, 35 percent for nonowners; nonmetropolitan areas, 100 percent for automobile owners.

TABLE 5.—INDEXES OF COMPARATIVE COSTS BASED ON AN INTERMEDIATE BUDGET FOR A 4-PERSON FAMILY, ¹SPRING 1969

[U.S. urban average cost=100]

Area	Cost of family consumption								Personal taxes
	Total budgets ²	Total	Food	Housing ³	Transportation ⁴	Clothing and personal care	Medical care ⁵	Other family consumption	
Urban United States	100	100	100	100	100	100	100	100	100
Metropolitan areas ⁶	102	102	101	103	98	102	103	103	10
Nonmetropolitan areas ⁷	91	92	93	86	107	93	85	85	87
Northeast:									
Boston, Mass.	110	109	108	122	100	98	103	103	122
Buffalo, N.Y.	107	106	105	108	106	109	94	104	120
Hartford, Conn.	109	110	111	114	110	106	105	103	102
Lancaster, Pa.	99	99	107	93	96	99	89	108	96
New York-northeastern New Jersey	112	110	111	119	91	106	110	106	126
Philadelphia, Pa.-New Jersey	101	101	109	96	92	100	101	102	104
Pittsburgh, Pa.	97	97	104	88	97	100	95	103	94
Portland, Maine	100	102	106	98	100	102	100	106	91
Nonmetropolitan areas ⁷	99	99	102	98	109	94	93	85	98
North Central:									
Cedar Rapids, Iowa	101	100	93	106	102	103	92	103	106
Champaign-Urbana, Ill.	101	103	98	112	98	100	103	104	92
Chicago, Ill.-northwestern Indiana	103	104	102	113	95	101	103	103	94
Cincinnati, Ohio-Kentucky-Indiana	97	98	97	97	100	99	88	102	94
Cleveland, Ohio	104	105	98	115	99	104	100	104	101
Dayton, Ohio	95	96	96	94	97	101	86	103	91
Detroit, Mich.	99	99	102	95	98	100	100	103	99
Green Bay, Wis.	98	95	93	97	97	96	93	98	114
Indianapolis, Ind.	101	101	99	106	104	98	89	103	99
Kansas City, Mo.-Kansas	99	99	100	94	105	105	93	101	98
Milwaukee, Wis.	105	102	96	111	98	100	95	99	129
Minneapolis-St. Paul, Minn.	103	99	96	103	102	100	91	104	126
St. Louis, Mo.-Illinois	100	100	102	100	101	101	91	99	99
Wichita, Kans.	97	97	95	95	105	100	93	100	95
Nonmetropolitan areas ⁷	94	93	92	92	104	97	85	86	92
South:									
Atlanta, Ga.	92	92	94	83	98	97	95	104	84
Austin, Tex.	88	89	93	77	96	93	98	96	72
Baltimore, Md.	97	95	96	89	98	97	94	101	108
Baton Rouge, La.	92	93	96	85	105	94	93	99	81
Dallas, Tex.	92	94	93	87	98	96	108	100	78
Durham, N.C.	95	94	92	92	97	96	97	101	100
Houston, Tex.	91	93	95	83	104	93	103	99	78
Nashville, Tenn.	92	94	91	91	100	96	91	105	79
Orlando, Fla.	91	93	90	89	99	93	96	102	77
Washington, D.C.-Maryland-Virginia	104	103	102	105	100	102	102	102	116
Nonmetropolitan areas ⁷	86	87	90	76	107	89	81	84	76

Footnotes at end of table.

TABLE 5.—INDEXES OF COMPARATIVE COSTS BASED ON AN INTERMEDIATE BUDGET FOR A 4-PERSON FAMILY, ¹ SPRING 1969—Continued

Area	Total budget ¹	Cost of family consumption							Personal taxes
		Total	Food	Housing ²	Transportation ⁴	Clothing and personal care	Medical care	Other family consumption	
West:									
Bakersfield, Calif.	97	97	97	87	105	103	108	100	89
Denver, Colo.	97	97	93	98	101	102	99	97	95
Los Angeles-Long Beach, Calif.	102	102	98	99	99	104	131	105	98
San Diego, Calif.	101	101	96	101	103	100	117	103	96
San Francisco-Oakland, Calif.	108	108	102	111	106	111	112	108	108
Seattle-Everett, Wash.	104	106	106	105	107	107	105	104	96
Honolulu, Hawaii	120	115	118	126	121	95	99	106	157
Nonmetropolitan areas ⁷	96	95	93	91	108	103	89	85	103
Anchorage, Alaska	139	134	122	162	136	115	133	102	185

¹ The family consists of an employed husband, age 38, a wife not employed outside the home, an 8-year-old girl, and a 13-year-old boy.

² In addition to family consumption and personal taxes shown separately in the table, the total cost of the budget includes allowances for gifts and contributions, life insurance, occupational expenses, and social security, disability, and unemployment compensation taxes.

³ Housing includes shelter, household operations, and housefurnishings. The average costs of shelter are weighted by the following proportions: 25 percent for rental costs, 75 percent for homeowner costs.

⁴ The average costs of automobile owners and nonowners are weighted by the following proportions: Boston, Chicago, New York, and Philadelphia, 80 percent for owners, 20 percent for

⁵ In total medical care, the average costs of medical insurance are weighted by the following proportions: 30 percent for families paying full cost of insurance; 26 percent for families paying $\frac{1}{2}$ cost; 44 percent for families covered by noncontributory insurance plans (paid by employer).

⁶ For a detailed description see the 1967 edition of the "Standard Metropolitan Statistical Areas," prepared by the Bureau of the Budget.

⁷ Places with populations of 2,500 to 50,000. nonowners; Baltimore, Cleveland, Detroit, Los Angeles, Pittsburgh, San Francisco, St. Louis, and Washington, with 1,400,000 of population or more in 1960, 95 percent for automobile owners, and 5 percent for nonowners; all other areas, 100 percent for automobile owners.

TABLE 6.—INDEXES OF COMPARATIVE COSTS BASED ON A HIGHER BUDGET FOR A 4-PERSON FAMILY, ¹ SPRING 1969

Area	Total budget ²	Cost of family consumption							Personal taxes
		Total	Food	Housing ³	Transportation ⁴	Clothing and personal care	Medical care ⁵	Other family consumption	
Urban United States	100	100	100	100	100	100	100	100	100
Metropolitan areas ⁶	103	102	102	104	100	101	103	103	104
Nonmetropolitan areas ⁷	89	89	91	83	100	95	85	85	83
Northeast:									
Boston, Mass.	112	111	106	123	110	98	103	104	123
Buffalo, N.Y.	106	103	103	104	99	108	94	105	120
Hartford, Conn.	106	108	112	110	103	105	105	105	96
Lancaster, Pa.	97	98	106	91	92	100	89	109	90
New York-northeastern New Jersey	116	112	110	122	103	106	110	108	136
Philadelphia, Pa.-New Jersey	101	102	180	97	102	100	101	104	100
Pittsburgh, Pa.	96	98	103	92	96	99	95	105	90
Portland, Maine	96	99	104	92	96	102	100	105	83
Nonmetropolitan areas ⁷	95	95	99	93	101	96	93	87	92
North Central:									
Cedar Rapids, Iowa	100	99	94	103	96	102	92	102	103
Champaign-Urbana, Ill.	100	103	99	111	95	99	102	102	89
Chicago, Ill.-northwestern Indiana	102	104	103	108	104	99	103	101	92
Cincinnati, Ohio-Kentucky-Indiana	94	95	99	92	94	99	88	100	87
Cleveland, Ohio	101	103	99	109	97	103	100	101	94
Dayton, Ohio	95	96	96	97	91	100	86	101	87
Detroit, Mich.	99	99	104	96	97	99	100	102	98
Green Bay, Wis.	98	94	94	97	92	95	84	96	116
Indianapolis, Ind.	99	100	100	104	97	97	89	102	96
Kansas City, Mo.-Kansas	97	98	100	95	99	100	93	100	95
Milwaukee, Wis.	104	99	99	104	92	100	95	98	128
Minneapolis-St. Paul, Minn.	101	97	97	99	95	98	91	102	120
St. Louis, Mo.-Illinois	98	98	104	94	99	100	91	97	94
Wichita, Kans.	95	96	96	93	101	99	93	97	92
Nonmetropolitan areas ⁷	92	92	91	90	98	100	85	86	89
South:									
Atlanta, Ga.	91	92	94	81	95	100	95	101	86
Austin, Tex.	86	89	93	80	95	93	98	97	70
Baltimore, Md.	98	95	98	89	96	101	94	120	111
Baton Rouge, La.	94	96	96	93	103	96	93	101	84
Dallas, Tex.	93	96	94	92	96	99	108	102	78
Durham, N.C.	95	94	92	89	96	99	96	102	102
Houston, Tex.	91	94	96	86	102	96	103	99	77
Nashville, Tenn.	92	95	90	94	97	99	90	103	78
Orlando, Fla.	92	95	91	94	98	97	95	103	78
Washington, D.C.-Maryland-Virginia	105	103	103	104	97	107	101	103	117
Nonmetropolitan areas ⁷	83	85	87	75	100	91	81	83	73
West:									
Bakersfield, Calif.	96	97	97	88	106	100	108	102	91
Denver, Colo.	97	97	96	96	94	99	99	98	96
Los Angeles-Long Beach, Calif.	104	104	100	104	101	102	132	104	103
San Diego, Calif.	102	102	97	105	100	98	120	103	100
San Francisco-Oakland, Calif.	108	107	104	110	106	108	112	107	111
Seattle-Everett, Wash.	102	105	108	104	101	103	105	102	91
Honolulu, Hawaii	122	115	121	128	109	93	99	109	160
Nonmetropolitan area ⁷	93	92	92	87	103	99	88	86	97
Anchorage, Alaska	130	126	120	146	120	110	133	98	160

¹ The family consists of an employed husband, age 38, a wife not employed outside the home, and an 8-year-old girl, and a 13-year-old boy.

² In addition to family consumption and personal taxes shown separately in the table, the total cost of the budget includes allowances for gifts and contributions, life insurance, occupational expenses, and social security, disability, and unemployment compensation taxes.

³ Housing includes shelter, household operations, house furnishings, and lodging out of home city. The average costs of shelter, are weighted by the following proportions: 15 percent for rental costs, 85 percent for homeowner costs.

⁴ All families were assumed to be automobile owners.

⁵ In total medical care, the average costs of medical insurance were weighted by the following proportions: 30 percent for families paying full cost of insurance; 26 percent for families paying $\frac{1}{2}$ cost; 44 percent for families covered by noncontributory insurance plan (paid by employer).

⁶ For a detailed description see the 1967 edition of the "Standard Metropolitan Statistical Areas," prepared by the Bureau of the Budget.

⁷ Places with populations of 2,500 to 50,000.

Mr. JAVITS. Mr. President, this deals with the annual cost of a minimal budget for a four-person family in the spring of 1969. And since then we have had an increase in living cost of about 6 percent. This shows that at a minimum, everywhere in the Nation—rural and city alike—we have a basic living cost which runs at the very minimum 25 percent plus above the \$4,000 standard.

For example, in nonmetropolitan areas, the total cost, the very basic figure—and it is the lowest cost in the chart—is \$4,935 a year for this type family. It is well above the \$4,000 standard.

Mr. President, as I stated before, this also costs out on the basis of the figures used by the Department of Agriculture on a low food budget, really the minimum for decent existence, of \$1,200 a year. And using the multiplying factor of 3, which is applied in these cases, for total cost, the very minimum comes to \$3,600 a year without using the increased costs which have been an incident of the last year. That is the very basic human living standard.

The argument is made that there are different situations existing throughout the Country. I am the first to grant that there are. However, I point out also that none of them comes anywhere near the \$4,000 level, for which we contend. We also have the recommendations with respect to the school lunch program of the Department of Agriculture and its recommendations—and I will read from their statement—for determining eligibility for free and reduced-price lunches and other meals.

Mr. President, it will be recalled that we ourselves wrote the minimal \$4,000 standard into the food stamp program before it left the Senate.

We have now written a \$4,000 figure into the aid to education, the elementary and secondary education bill, which passed here after a very considerable struggle last week.

Mr. President, it seems to me, therefore, that the evidence is overwhelming that, at long last, we seek some underpinning, some concrete base, with respect to eligibility throughout the country. And this is in the very proper exercise of Federal authority.

Mr. President, as to the impact of such a standard at this time on the standard which is generally used—roughly \$3,000—there are some 6.9 million children in the country who ought to have the benefit of free lunch. But only about 3 million are being reached. We need to set our sites at a realistic figure—namely, the \$4,000 figure which would increase eligibility by at least 5 million children.

Mr. President, it does not seem to me that we are doing anything but what we ought to do. In raising our sites, even though we cannot by appropriations meet the goal, at least it gives us a real aspiration, instead of being limited in both aspiration and reality to the exigencies which we find in respect of appropriations. In short, we are just kidding ourselves when we provide free lunch for half the children. They are not the only ones who need free lunch. We are merely providing free lunch for one-third of the children who need it.

It seems to me that the one thing that

the Committee on Agriculture would have done would have been to at least set a criteria for the country which would satisfy the country and give them a realistic approach, instead of an artificial approach as we are doing today. There is an absence of a national standard.

Finally, with respect to the matter of the affidavit, we show, that by the adoption by the committee of the amendment which is intended to prevent overt identification, it seems to me that we obtain consistency. As I stated in my preceding remarks we need the use of the affidavit technique. It is just as invidious to have identification of the family as it is to have identification of the child. If we are inhibiting identification for the child, then it seems to me to be correlative that we inhibit identification through the case worker technique.

We know how this has been used to discourage families from seeking free and reduced-price lunches. In many instances, the only way to get it was to submit to this kind of an investigation.

The criteria I have outlined in this amendment gives us a floor which befits the national dignity and the national intention.

The general drift of the amendments which have been proposed here has been directed toward the end of maintaining a floor upon which the program can then rest—with plenty of room for innovation above that. It seems to me that this amendment is absolutely essential.

Before I conclude my remarks I would like to make one other point about my own State because so often when we debate things here, because New York is a most vital and active State, the question is asked, "What is New York doing?"

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

NEW YORK STATE PERFORMANCE COMMENDED

Mr. JAVITS. Mr. President, I would like to indicate for the record what we are doing. In New York, the proportion of children getting free or reduced-price meals comes very close to the optimum figure for the Nation. It is estimated that in the Nation 15 percent of the children in schools in densely populated areas should be eligible for free or reduced price meals. New York attained 13 percent in the last school year. Also, New York serves thousands of children more than the number of children who get the benefits of title I of the Elementary and Secondary Education Act.

We serve 417,000 free lunches against 405,000 of the children who benefit from the Elementary and Secondary Education Act; and serve free lunches to 85 percent of those eligible under AFDC. In New York City, very few schools lack food service. We do not do as well in Buffalo, however, and that is one of the reasons for my very great interest in using food purveyors because the situation can be materially improved in that regard. In addition, I am pleased to say that New York contributes more at the State level than would be required by the

bill—\$19 million more—and New York City contributes \$10 million locally for free and reduced-price meals. I say that about New York because we must first look at ourselves in the mirror before we try to bring about higher standards for all.

NATIONAL AWARENESS

I conclude my argument for the amendment as follows: The amendment is really directed toward acceptance by the Nation of its responsibility and whether we can meet that responsibility in respect of the actual money appropriated. I was very interested to note yesterday that relatively conservative members who serve on the Committee on Appropriations felt we should have an open-ended appropriation in respect of the school lunch program rather than to fix any figure, even a good figure such as the Senator from Michigan (Mr. HART) proposed.

We made that proposal because we believe it is necessary to fix an optimum objective. We can only hope that those who argued against it for the reason they felt we should not limit ourselves will have the same feeling when we come to the appropriations and remember the arguments they made which induced the Senate by such a narrow margin to turn down the Hart amendment. However, it does indicate a disposition.

Again, I wish to pay tribute to the Senator from South Dakota (Mr. McGOVERN) who chairs the "Hunger Committee," for having done what is probably the most effective thing which can be done in a democracy: Arousing the people to a great national deficiency, thus animating currents designed to deal with that deficiency. This is only one area but the people of the United States were appalled by the finding that there was hunger and deprivation and much more appalled to find that it was more prevalent among children than among adults. This is the area in which we are legislating today. They were appalled and they have taken many measures, including revision of the food stamp program in this body, in order to show their sentiments and views.

This is but a part of the whole reform in these programs dealing with the most basic of all approaches to problems. It should be a matter of deep satisfaction to our country that it knows how to respond to a call of conscience. That is what this is. The amendment which I have proposed, along with colleagues, is to add another aspect of implementation to the weight of national conscience, which is represented by the findings of the Committee on Nutrition and Human Needs.

Mr. President, I reserve the remainder of my time.

Mr. TALMADGE. Mr. President, I yield myself such time as I may need.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. TALMADGE. Mr. President, the amendment offered by the Senator from New York would in effect make three amendments which by unanimous consent we would vote upon en bloc.

The principal change the Senator's amendment would make is that a reduced-price lunch must not exceed 20

cents per child. The second amendment would set up national standards which would provide that a family of four earning \$4,000 or less would be entitled to meals without cost. The third principal provision is that requirements of this section relating to service of meals at reduced cost shall apply to the school lunch program of any school utilizing commodities donated under any provisions of law referred to in the preceding sentence. That refers to private schools to a great degree.

I will deal with the first amendment first, which is that the cost of meals should not exceed 20 cents per meal for the cost of food. As the Senator pointed out in his remarks, I had that in my bill that the committee considered but they decided by an overwhelming vote that it should not be retained in the bill. The reason therefor was that the Department, in its report on the bill, advised the committee that this provision "imposes a restriction that many schools may not be able to meet it until the time comes that fully adequate funding from Federal, State, and local sources is assured."

The amendment—the McGovern amendment—would impose a restriction even more difficult to meet since the 20 percent restriction would be considerably lower than the 20-cent restriction. The committee amendment seeks to improve the program and provide better funding from Federal and State sources so that the objective of this amendment can be met. The committee did not want to impose a restriction which could not be met. Attempted enforcement of such a restriction could result in the dropping of the program in some areas, with the consequent loss of its benefits.

I would point out also that if we have a substantial number of meals served with inadequate funding at not to exceed 20 cents, it would mean a much larger percentage of the students who may be entitled to a free lunch could not get it at all.

The committee is opposed to the amendment offered by the Senator from New York. I regard it as another attempt that would seriously and adversely affect the bill reported by the committee by establishing a nationwide eligibility standard of \$4,000 and by imposing impossible requirements on State governments and local school districts. The amendment would transform the school lunch program into a Washington welfare handout.

The present amendment would ignore all of the principles of Federal, State, and local cooperation which have worked so well in the school lunch program.

The junior Senator from South Dakota stated yesterday that the school lunch program has worked well, that it has worked better than most Federal programs. Yet, the Senator from South Dakota joins in the support of this amendment which, together with amendment numbered 512 approved yesterday, would destroy the kind of school lunch program that has been so successful.

The supporters of this amendment propose to ignore the experience of more than 20 years of operating the national

school lunch program—they propose to ignore the judgment of the members of the Senate Agriculture Committee, which gave thorough consideration to this amendment—they propose to completely rewrite the school lunch program and change the basic philosophy of the program on the floor of the Senate.

Mr. President, it is regrettable that every time the Senate considers any legislation dealing with the problem of hunger in this country, we always get involved in a contest to see who can offer the most. No matter how generous the Senate Agriculture Committee might be, we are always faced with a number of amendments which would sacrifice sound administrative and legislative experience for unlimited promises of "pie in the sky."

Need I remind the Senate of our experience with the food stamp legislation last year? The Senate overrode its Committee on Agriculture and approved a tremendously expensive giveaway program that has not a prayer of receiving the approval of the House of Representatives.

The folly of attempting to write complex legislation on the Senate floor is illustrated by the fact that not even the sponsors of amendment 511, to change the breakfast program, knew what the amendment said after the Senate had finished with it yesterday.

The provision of amendment 508 which establishes a nationwide eligibility standard of \$4,000 is the most objectionable feature of all the amendments. This provision requires that lunches be served free to all children in all families with incomes of less than \$4,000 rather than at a reduced price.

In a country as vast and individualistic as ours, it seems foolish to impose uniform eligibility standards over the whole Nation. Cost of living varies greatly according to the region of the country and depending on whether the family is urban or rural.

There is a similar discrepancy in the level of income. For example, 26.2 percent of the families living in the Northeast have incomes of less than \$4,000. In the South, 46.5 percent of all families have incomes of less than \$4,000. In the Nation as a whole, 36.3 percent of all families have incomes of less than \$4,000 per year.

If this amendment becomes law, about one-third of the families in the United States will be authorized free food at Government expense.

Mr. AIKEN. Will the Senator yield?

Mr. TALMADGE. I yield to my colleague from Vermont.

Mr. AIKEN. The Senator has pointed to the distinction between rural areas and the larger cities of this country. Can the Senator give us an estimate as to how many children in the large cities of this country might be deprived of school lunches if this \$4,000 limitation remains?

Mr. TALMADGE. I believe it would be quite a number, because I do not think Congress would authorize and appropriate sufficient funds to take care of the entire needs, and there would be so many eligible for free lunches that those in

the direst need would be severely restricted. So I think the Senator's amendment would have an effect opposite to what he seeks, which is to provide free lunch to children who are in real need.

To show Senators something of the diversity of the program, I would assume that a family living in a tall building in New York City or Chicago or San Francisco or Philadelphia and which has a \$6,000 income would have an income that would be extremely modest and the family could be classified as poor; but a family that lives on a dairy farm in Vermont or in Georgia or in the Midwest, where they raise hogs and chickens and have cows and gardens and have an income of \$4,000, might be considered in their neighborhood as being affluent.

That is the reason why it is wise policy, in my judgment, to leave it to the discretion of local officials to prescribe standards and conditions. Then when funds are appropriated by Congress and they are allocated to the States and various school districts, the money can be directed to those who are in need, rather than to try to paint a pie in the sky for everybody.

Mr. AIKEN. Would the Senator say that adoption of the amendment would mean the penalty would fall on children in large cities and upon the taxpayers of the Nation?

Mr. TALMADGE. I think that is correct.

Mr. AIKEN. We are used to having a penalty on the taxpayers.

Mr. TALMADGE. That is true.

Mr. AIKEN. But with this limitation, it would conceivably prevent many thousands of deserving youngsters in our cities from receiving a free school lunch.

Mr. TALMADGE. I agree with the Senator. The Senator's criterion is based solely on income, and not assets. So if a man owned 300,000 shares of IBM stock, for example, from which the dividend is less than 1 percent, he would be entitled to send his children to school and then would be authorized, under this amendment, to have them receive free lunches, despite the fact that he had a net worth of \$300,000 or more.

Mr. AIKEN. Let me ask the Senator another question. Does he think it necessary to have a new school lunch bill this year, or should we let it go on the same basis as the food stamp program is going now?

Mr. TALMADGE. I would hope we could get a bill passed without cluttering it up, as we did the food stamp bill last year, where it would get bogged down in the House of Representatives. As the Senator knows, we held hearings and considered in detail all the amendments in the committee bill. The people who handle the school lunch programs in the various States testified, and virtually all they suggested was written into the committee bill. If the bill becomes law, if it passes the Senate and passes the House of Representatives, and is signed by the President, and if the Congress appropriates the money, every child who is economically deprived in this country will have adequate food. It was the desire of the community to see that

no child who went to school hungry would go home hungry.

Mr. AIKEN. The Senator from Georgia is aware of the fact that the Committee on Agriculture and Forestry brought out a food stamp bill which increased the food stamp program approximately 400 percent over what is authorized today, and yet there were those who preferred to kill it, and conceivably have done so.

Can the Senator tell us how much the bill on the school lunch program which was brought out from the committee increases the school lunch program over the present provisions?

Mr. TALMADGE. According to the best estimates the committee had, approximately 3½ million needy children are being served under the nutrition programs in the schools at the present time. According to our best estimates, about 6,600,000 children come from needy families. In other words, we aimed at a bill that would double the existing programs. That is the bill pending before the Senate at the present time.

As the Senator pointed out so effectively, when the food stamp bill came before the Senate, by an overwhelming vote the Senate overloaded the committee bill, and it has been buried in the House of Representatives ever since. I hope that does not happen to the school lunch program.

Mr. AIKEN. There is no indication that the food stamp bill will come out of the House in the near future, is there?

Mr. TALMADGE. I have heard of no such indications.

Mr. AIKEN. Does the Senator believe the same would happen to the school lunch program if we adopted all of the pending amendments to the bill?

Mr. TALMADGE. I certainly believe that is what the House would do. I believe the experience of the food stamp bill is the best guide.

Mr. AIKEN. Has the Senator from Georgia any idea why Members of this body who profess to be strong for feeding poor children insist on provisions that would kill the bill?

Mr. TALMADGE. I do not. I wish I could answer the question, but I think we ought to try to take a step toward a bill that we hope can become law.

I thank the Senator for his contribution and his very effective work, over the years, in the Committee on Agriculture and Forestry, on the programs that are now law.

A family which lives on a small farm in the South and has no more than \$4,000 of monetary income may consider itself to be fairly well off. The same applies for a small farmer in New England. In many cases, these farm families produce most of their own food. Housing is less expensive than in our giant cities, and taxes are low. On the other hand, a family living in New York City with an income of \$6,000 might be considered poor. The Senator from Alaska has an amendment pending in which he asks for a 25-percent bonus simply because Alaska has a very high cost of living. That shows how diverse cost-of-living standards are in this country; and I do not think we ought to attempt to enact one standard nationally that would be a

guide for all of the 50 States, for all families, regardless of where they dwell, regardless of whether they are urban or rural, and regardless of whether they make most of their living on the farm or whether they dwell in giant apartment houses.

The cost of providing free lunches to all children in families having incomes of less than \$4,000 would be fantastic. By the Nutrition Committee's estimate, there are 8.4 million children in families with annual incomes of less than \$4,000.

The sponsors of this amendment estimate that it would cost \$817 million to foot the bill. When you consider the amount budgeted for free school lunches under all Federal sources and all State sources, there is still a tremendous funding gap. The sponsors of the amendment estimate that the cost funding gap would be \$419.4 million.

The administration has not indicated a willingness to spend this kind of money on child nutrition. The agricultural budget for 1971 includes an increase of \$133.3 million for child nutrition programs. However, the increase is a false one, for the administration proposes to eliminate the special milk program and thus save \$104 million. Therefore, the real increase is only \$29 million.

If the Senator from New York and the Senator from South Dakota could guarantee that the additional \$419 million will become available, then it would not deprive the children who are really poor and undernourished of the meals that they seek. If they cannot guarantee that we are going to get this extra \$419 million, they ought to withdraw the amendment, because it is going to make the burden much greater on the children who come from homes that need the extra money, and will also drive many States and districts out of the school lunch program.

The Agriculture Committee gave thorough consideration to amendments providing a national eligibility standard when it considered the present bill. It rejected this amendment for reasons that are aptly described in the committee report. I read from page 5 of the report:

The objective of the Committee is to expand the school lunch program so that free or reduced price lunches will be available to all needy children. To accomplish this objective, it will be necessary to secure maximum cooperation on the state and local levels. Many school districts do not participate in the school lunch program at all. Many states contribute no state revenues to the school lunch program.

If the states and the local school districts are required to meet the eligibility standards of the McGovern amendment, and they are not given the funding to do so, they will be faced with tremendous administrative problems and a large funding gap. It is highly likely that many states would choose not to participate in the school lunch program at all. Such problems would certainly discourage those large municipalities who do not now participate from coming into the school lunch program. Thus, the McGovern amendment would have the result of denying access to the school lunch programs to thousands of needy children.

The last provision of the pending amendment is a requirement that any school which does not participate in the

regular school lunch program, which utilizes donated commodities, be required to provide free and reduced-cost lunches in the same manner as any school which participates in programs under the National School Lunch Act and the Child Nutrition Act.

The Department of Agriculture estimates that there are about 400,000 needy children in schools which utilize donated commodities without participating in the regular school lunch program. Of course, it will be necessary to bring all school districts into the regular school lunch program if we are to provide free and reduced price lunches for all needy children.

The pending bill, S. 2548, already gives the Secretary of Agriculture authority to prescribe terms and conditions for the utilization of donated commodities. If Senators will turn to page 32 of the committee report, they will find the language at the bottom of the page there, where it is included in section 10. This provides for flexible approach to those school districts that are using donated commodities without placing an immediate requirement on them. The practical effect of amendment 508 would be to deny many school districts any financial aid for their school lunch programs. Rather than immediately assume the burden of providing free lunches for all children from families with incomes of less than \$4,000, these schools might prefer not to participate in any kind of Federal school lunch program.

The funding gap would be especially harmful to private schools. Many of these schools are in financial trouble already. They would be required under amendment 508 to immediately assume the burden of providing free meals to all children from families whose incomes are less than \$4,000, and if they were not given enough Federal money to do so, most of these schools would have nowhere else to turn. Their only alternative would be to withdraw from any kind of Federal lunch assistance program.

Mr. JAVITS. Mr. President, will the Senator yield at that point?

Mr. TALMADGE. I yield to the Senator from New York.

PRIVATE SCHOOLS

Mr. JAVITS. The question of private schools has been put up to me, also, and to Senator McGovern and the other members of the bipartisan coalition which sponsored this amendment.

We are rather of a mind to amend our proposal to deal with the nonprofit private school question, and I am at liberty to do it, because the yeas and nays have not been ordered, but I did want the Senator's advice on the matter.

To be very frank with the Senator, I am cognizant of the fact that this affects a good many religious schools, and we certainly want them to have the benefit of school lunches. However, I am also cognizant of the fact that it would affect contrived private schools to avoid desegregation, but of course there are other ways of reaching the latter.

Because we wish to be as collaborative as we can about what we can agree on, if the Senator feels—and I again presume the Senator's good will in all of this, be-

cause he is the man who has brought about such great changes himself in this bill—that on the private school question it would be better to accommodate them—and I would greatly appreciate his opinion on that point—having consulted with the Senator from South Dakota (Mr. McGovern), I would be prepared to modify my amendment in order to accommodate the nonprofit private school problem.

Mr. TALMADGE. What does the Senator propose to do—to strike out the last part of the amendment?

Mr. JAVITS. No, I propose to add a proviso, as follows:

Provided, That none of the requirements of this section shall apply to nonprofit private schools which participate in the school lunch program under the provisions of section 10 until such time as the Secretary certifies that sufficient funds from sources other than children's payments are available to enable such schools to meet these requirements.

Mr. TALMADGE. I have not had an opportunity to study the Senator's proposal, but I would point out to the Senator that I hold in my hand a letter dated February 24, 1970, addressed to me from the Office of Government Liaison, U.S. Catholic Conference, in which they strenuously object to the Senator's amendment, and point out that something like 2,871 Catholic schools would be affected by his amendment.

I ask unanimous consent that the letter be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. Gurney in the chair). Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. CATHOLIC CONFERENCE,
OFFICE OF GOVERNMENT LIAISON,
Washington, D.C., February 24, 1970.

Hon. HERMAN E. TALMADGE,
Select Committee on Nutrition and Human
Needs, Washington, D.C.

DEAR SENATOR TALMADGE: Senate Amendment No. 508, by Senator Javits and others, offered as an amendment to your school lunch bill, S. 2548, seeks to impose a maximum price of 20 cents per meal for reduced cost lunches and to require provision of free lunches to all children in families with an income equivalent to \$4,000 or less for a household of four persons as a condition for schools to participate in the national school lunch program. Unfortunately, Senator Javits' amendment fails to make adequate provision for the special circumstances faced by 2,871 private non-profit schools with lunch programs in 26 states where the state is not authorized by law to administer the lunch program in non-public schools. As you are aware, the school lunch program since its inception has made special provisions for these schools under Section 10. This section authorizes the Secretary to administer the program for these schools and to disburse Federal funds withheld from the State allocations directly to the participating private non-profit schools. These schools must meet the State matching requirements from sources other than State and local tax revenue.

Your bill, S. 2548, and H.R. 515, by Representative Perkins, will require, over a period of years, that State revenues other than children's payments must be provided in increasing amounts to pay a portion of the cost of the school lunch program, including

the cost of providing free and reduced price lunches. The same State legal prohibitions which require Federal administration of the program for non-public schools in 26 states also prevent use of State and local public funds to pay a portion of the cost of the lunch program in these non-public schools. Thus, the non-public schools have had to turn to the only source of non-Federal funds available to them—that is the revenue collected from children who are able to pay for their lunches. The rise in price of school lunches in recent years has prompted many children to drop out of the program and has forced some non-public schools to discontinue the service. Unless some special provisions is made, it is to be expected that the additional financial requirements which would be imposed by the Javits amendment would accelerate this undesirable trend. The non-public schools do not wish to leave the program. They want to stay in and improve their service. They agree with the objective shared by yourself and Senator Javits to provide free and reduced price lunches for all needy children. But, if they are to continue in the program, they must have some assurance that Federal funds will be forthcoming to pay the additional cost which the requirements of Amendment No. 508 will impose. Without such protection, the Javits amendment could force these particular schools to price themselves and their children out of the national school lunch programs. All children would suffer—the poor as well as those fortunate enough to be able to pay for their lunches.

In view of the serious nature of the threat posed for these 2,871 schools, I would urge the Senate to reject the Javits amendment in its present form. I respectfully request that you call this situation to the attention of the Senate and that this letter be entered in the Congressional Record in an appropriate place.

Should the Senate decide to adopt the Javits amendment to your bill, I would hope that a special provision could be included to insure that the new requirements for free and reduced price lunches would not apply to those private non-profit schools in those 26 States covered by Section 10 of the School Lunch Act until such time as the Secretary of Agriculture is able to certify that sufficient funds from sources other than children's payments are available to enable such schools to meet the new requirements.

In closing, I would like to take this opportunity to commend you and those Senators who have assisted you in the development of S. 2548. The bill represents a commendable advance toward a national goal of an adequate diet for all children.

Respectfully,

JAMES L. ROBINSON,
Director.

*Private school programs administered by
USDA*

State:	Number of schools
Delaware -----	2
Maine -----	44
Maryland -----	42
New Jersey -----	150
Pennsylvania -----	379
West Virginia -----	27
Alabama -----	46
Florida -----	58
South Carolina -----	16
Tennessee -----	52
Virginia -----	37
Iowa -----	208
Michigan -----	239
Minnesota -----	310
Nebraska -----	107
North Dakota -----	48
Ohio -----	314
Wisconsin -----	408
Arkansas -----	43
Colorado -----	58
Texas -----	187
Hawaii -----	19

Idaho -----	17
Montana -----	21
Nevada -----	1
Washington -----	38
Total -----	2,871

Mr. TALMADGE. Mr. President, they object to it very strenuously. There is no way of telling how many other private schools in existence—Protestant, Jewish, Catholic, nondenominational, and so forth—are involved. I think it is bad practice for the Government to try to intrude in their affairs and tell them what they ought to do in their own lunch program.

Mr. JAVITS. I will say to the Senator that I believe they had a hand in the drawing of this particular provision. It will enable the Senator to study it.

Mr. TALMADGE. May I look at it?

Mr. JAVITS. Yes.

Mr. TALMADGE. Has the Senator submitted it?

Mr. JAVITS. I am prepared to modify my amendment accordingly, but I think it would be desirable, before I actually do so, to have the Senator's staff look at it.

Mr. TALMADGE. I will have the staff look at it.

I ask the Senator to turn to page 32 of the committee report, section 9, and refer to the last paragraph thereof, in italics:

The Secretary is authorized to prescribe terms and conditions respecting the use of commodities donated under section 32, under section 416 of the Agricultural Act of 1949, as amended, and under section 709 of the Food and Agriculture Act of 1965, as amended, as will maximize the nutritional and financial contributions of such donated commodities in such schools and institutions.

I think that gives the Secretary authority to protect the Government's interest on donated commodities, and I feel that that is as far as the Federal Government ought to intrude in imposing its will on any private school.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. TALMADGE. I yield.

Mr. JAVITS. I think that our objective—if that provision looks all right to the staff—would be to limit our desire to the public school systems. There you have taxing authorities and a different situation from the financial pressure upon the private nonprofit schools. That issue, of course, I am prepared to debate with the Senator. But at least it will narrow the issue to that point.

The Senator need be under no pressure about it. I will be speaking again. The Senator may look it over at his leisure. I would understand that no concession is involved in respect of the amendment. Inasmuch as I think we have a common purpose, the idea would be to get the best expertise on how to deal with the private school problem.

Mr. TALMADGE. I think the committee's report, as I read the Senator's proposed modification, is substantially what the Senator proposes for the private schools.

Mr. JAVITS. Exactly.

Mr. TALMADGE. I see no necessity for the Senator proposing this at all. I think he could strike that part in its entirety from his amendment.

Mr. JAVITS. If I struck that part, it would eliminate the requirement upon the public schools. I am not prepared to do that. Therefore, I would have to modify my amendment.

Mr. President, I modify my amendment accordingly.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Unanimous consent, I understand, is not required, because the yeas and nays have not been ordered.

The PRESIDING OFFICER. The clerk will report the modification.

Mr. JAVITS. Mr. President, I ask unanimous consent that the reading of the modification be dispensed with.

Mr. TALMADGE. This is the proposed modification.

The PRESIDING OFFICER. The clerk will state the modification.

The assistant legislative clerk read as follows:

At the end of the Javits amendment add:

Provided, That none of the requirements of this section shall apply to nonprofit private schools which participate in the school lunch program under the provisions of Section 10 until such time as the Secretary certifies that sufficient funds from sources other than children's payments are available to enable such schools to meet these requirements.

Mr. TALMADGE. Mr. President, one final word. If I may sum up the difference between the approach of the committee and the approach of the sponsors of the pending amendment, it is the difference between persuasion and force. It is the difference between our traditional approach of Federal, State, and local cooperation, and the idea that the Federal Government is the great provider.

I appeal to the Senate to reject this attempt to promise more, and I urge that we stick with the committee bill, which offers lunch rather than rhetoric.

I reserve the remainder of my time.

Mr. JAVITS. Mr. President, I yield 5 minutes to the Senator from South Dakota.

Mr. McGOVERN. I thank the Senator from New York for yielding to me and also for the generous remarks he made about me a few moments ago. I wish to reciprocate by commending the Senator for the amendment that he brings before the Senate today.

I regard the amendment offered by the senior Senator from New York as the most important of the five amendments that this bipartisan group of Senators has presented to this bill. It is a matter of great importance in terms of bringing uniformity and some direction to an otherwise good proposal offered by the Senator from Georgia.

In reference to the comments made earlier by the Senator from Vermont and the Senator from Georgia, let me just say that the passage of the food stamp bill by the Senate last September, which has now been tied up in the House for some 6 or 7 months, in no way reflects on the judgment of the U.S. Sen-

ate. The truth is that the House had every legislative opportunity available to it that it had before the passage of the Senate food stamp bill. They had the opportunity to modify that bill if they felt the Senate had gone too far. They had the opportunity to act on a bill of their own.

But I think the fact is that a judgment was made by the House Agriculture Committee leadership that they wanted to wait for the passage of the food stamp bill until they could attach it to the extension of a comprehensive agricultural price support bill. That is the real explanation for the failure of the other body to act on food stamp legislation.

I want to lay that concern to rest here and now. Nothing whatever that was done by the Senate last fall has delayed the passage of adequate food stamp legislation, and we cannot use that excuse to fail to do the best possible job of passing a sound school lunch bill and school breakfast bill in the Senate when this matter is before us now.

The measure proposed by the Senator from New York, which I am pleased to cosponsor together with other Senators, would in effect be consistent with the action taken by the Senate with reference to the food stamp legislation last fall. At that time we said that families with an income of \$4,000 or less would be eligible for food stamp assistance. We are now applying the same criteria under the Javits amendment to the school lunch program. We are providing a uniform standard in place of the presently chaotic situation that exists not only between the States but even within certain States. One of the common conclusions that has been reached by just about everyone who has looked carefully and critically at our existing school lunch programs across the country is the need for some definite guidelines to provide a basis for determining who shall get free and reduced price lunches.

More than a year ago, in October of 1968, the Department of Agriculture itself recognized this need, and they suggested certain guidelines to the States, in an effort to assure some kind of uniformity not only between the States but also within the States with reference to the various school districts. But to date little or nothing has been done to bring any degree of order out of the present shambles of guidelines in determining what students will qualify for free or reduced price lunches. That is the reason it is important for the Senate to adopt and write into law guidelines that will determine, once and for all, what children shall be eligible to receive lunches, either on a free basis or on a reduced price basis.

Second, it is equally important that in this amendment we determine what we mean by reduced price lunches at the present time. I think the Senator from Georgia would be inclined to agree with this, that some of the States are exploiting the opportunity to get additional Federal funding for the reduced price lunches by a nominal reduction of 1 to 3 cents on the price of lunch, and then qualify for an additional Federal subsidy, which penalizes those school dis-

tricts trying to do an honest and reasonable job of offering a reduced price lunch.

What the Javits amendment proposes is a 20 cent minimum, which was in the original bill as offered by the Senator from Georgia (Mr. TALMADGE).

It seems to me that the amendment is entirely reasonable. It does meet congressional responsibility of providing some guidelines to carry out the program which we are authorizing.

I honestly hope that the amendment, above all others, which have been proposed, will be agreed to by the Senate.

Mr. TALMADGE. Mr. President, I yield 5 minutes to the Senator from Kentucky (Mr. COOPER).

The PRESIDING OFFICER (Mr. HUGHES in the chair). The Senator from Kentucky is recognized for 5 minutes.

Mr. COOPER. Mr. President, I am sure that everyone in this body would like very much to see the school lunch program and the breakfast program extended to every needy child in this country.

That is my position. I understand and I honor the objectives of the Senator from New York. I would like it to be noted that the issue we are talking about—the amendment offered by the Senator from New York and others—is not a question among us as to whether we favor additional free lunches for children, or fewer free lunches, because that would be an easy oversimplification.

We have to ask, what would be the effect of the amendment? Well it actually, if put in operation, provide more help. I do not think so.

I have the appendix which was very generously provided me by my friend from New York, explaining his amendment. As I understand it, the cost of the amendment is based upon a total of 8.4 million needy children, at an average cost of 60 cents a meal, which would total \$817 million. Then, subtracting from the \$817, the amount provided in the bill \$397.6 million—there is left a total of \$419.4 million which would be needed to fund the program, if the amendment of the Senator from New York is agreed to.

My first question is this—is there a provision in the bill for \$419.4 million.

Mr. JAVITS. There is an open ended provision there for appropriations. That is what the Senate, as I understand it, did yesterday in turning down the Hart amendment which tried to fill up part of the gap. So they have left this open. I think this gap problem is a question of what gap we are willing to show, whether a realistic or an unrealistic gap. We have a gap now, because 3 million children are not under the program at all. Everyone admits they should be on it. The only question is, shall we set the target at 6.9 million, or shall we set the target at 9 million?

Mr. COOPER. My first question has been answered, and properly so. The bill is open ended. If the Committee on Appropriations would appropriate \$419.4 million, it would close the gap.

My second question goes to participation by the States. Present law requires, so far as the school lunch program is concerned, for a matching basis of 3 to 1, with the States required to

provide three times as much as the Federal Government.

Mr. JAVITS. Right. That is correct, except for the new provision, which will make the States put up 7 percent to 10 percent over a graduated period of that State's contribution.

Mr. COOPER. I should like to direct attention to factors which I believe would make it much more difficult for the poorer States to participate in the program, if the Senator's amendment is adopted.

As we know, the States are permitted to meet their share of the cost either by contributions from State and local revenues or by cost to the schoolchildren according to their ability to pay. As a result of this procedure, States like mine, and others, have been able to charge children able to pay—and why should they not be charged for a nutritious meal if their parents are able to pay? These charges help to fund the cost to children who are unable to pay.

In many cases, children are not required to pay anything. In other cases, they are required to pay as little as 5 cents a meal—or more, based upon ability to pay.

First, I believe that when a parent is able to pay, he should pay the cost of the meal. This may be just a general expression on my part, and without

available statistics at hand now, but there are probably two chief areas in the country where unfortunately many needy children live. One area is in the poorer States in the South. My State, for example, has been pointed out for the conditions which exist in eastern Kentucky. Another area is in the great cities of the country with their ghettos and thousands of poor people.

Mr. President, in the poorer States, in many areas of the South or border States, the States have met their responsibilities. Anywhere from 55 percent to 70 percent of their schoolchildren receive lunches. It is 74 percent in my State.

But States which have other categories of poor, such as in the great cities, in the ghettos, they have not met their responsibilities. The State of New York has done better than most, but States like Illinois, and Pennsylvania, hardly have any school lunch program at all.

I want all to have the programs but these States should assume their responsibilities in contributing to this program and the children in those States, able to pay should do so.

In my judgment, through the pending amendment, the States absolve themselves—the richest States in the country, from bearing a proper share of the burden. Other States, like mine, would

be required to provide to well-to-do children a 20 cent meal or less, and this increases the cost to the States and the Federal Government.

Mr. TALMADGE. Mr. President, if I may interject there, if there are not sufficient funds in the program, it is going to mean depriving a great many of the poorer children who are most in need.

Mr. COOPER. The Senator is correct.

I applaud the Senator from New York for his objective. I would like to see all poor children fed without cost. I would like to see the Congress provide money to feed them all and give a good breakfast, too. For, unless a meal is nutritious, it is not the food the children require in years that are formative in mind and body.

I say this with great respect to my friend, that a program, if it is to reach the children, must be looked at very carefully. We must ascertain and provide a way to persuade the States who are able to bear the burden, to help pay the cost of the meals for needy children.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement showing the status of the school lunch and breakfast programs in every State that bears out the facts of the statements I have just made.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

TABLE PRESENTED BY RODNEY E. LEONARD, WHO WAS ADMINISTRATOR OF CONSUMER AND MARKETING SERVICES, USDA, 1967-69. PRIOR TO THAT, HE HELD OTHER POSTS IN THE DEPARTMENT

School year 1968-69	School lunch									Breakfast			Guideline policy		
	Average daily attendance	Average daily participation	Percent 2:1	Free and reduced price lunches	Percent 4:1	Number AFDC children	Percent 4:6	Number ESEA children, fiscal year 1967	Percent 4:8	Average daily participation	Percent 10:1	Percent free breakfast	Number school districts	Number plans approved, June 30, 1969	Number plans rejected
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)			
Alabama.....	787,714	510,628	64	101,536	12.0	327,500	31	244,311	41.6	39,415	5.0	46	119	117	0
Alaska.....	46,437	24,668	53	8,120	17.0	8,187	99	6,974	11.6	633	1.4	100	29	19	0
Arizona.....	311,477	165,602	53	30,855	9.9	62,264	50	46,633	66.2	33,987	11.0	76	296	117	0
Arkansas.....	414,173	280,506	68	80,482	19.0	202,135	40	149,658	53.8	5,047	1.3	83	395	385	0
California.....	2,186,433	827,000	38	75,743	3.5	472,876	16	396,632	19.1	6,000	.3	21	1,109	660	75
Colorado.....	498,129	222,647	44	13,973	2.0	60,026	23	45,989	30.3	5,172	1.0	6.0	181	181	0
Connecticut.....	460,041	191,344	42	7,548	1.6	45,085	17	39,361	19.1	18,705	4.1	96	177	188	0
Delaware.....	108,261	58,464	54	2,548	2.4	12,628	20	10,982	23.2	132	.1	30	48	48	0
District of Columbia.....	130,605	36,469	28	20,542	15.7	30,320	68	22,896	89.7	8,665	6.7	100			
Florida.....	1,270,412	774,369	60	81,227	6.0	243,894	33	145,719	55.8	5,052	.5	43	67	72	0
Georgia.....	1,014,144	790,003	76	158,563	15.0	357,359	44	243,261	65.3	7,572	.5	58	193	181	17
Hawaii.....	159,819	128,004	80	7,324	4.6	18,423	40	12,460	58.6	284	.2	76	1	1	0
Idaho.....	252,369	78,735	31	2,652	1.0	24,031	11	14,902	17.7				117	all	0
Illinois.....	2,392,786	600,000	25	33,933	1.4	290,423	11	254,140	13.4	3,982	.2	7.0	1,279	1,175	few
Indiana.....	1,124,711	622,014	55.3	20,665	1.8	127,923	16	88,233	23.5	31,212	2.0	81	339	all	0
Iowa.....	625,474	344,020	55	11,785	1.9	118,709	99	85,169	13.8	3,339	.5	15.3	461	470	0
Kansas.....	391,266	253,215	65	17,305	4.4	75,287	23	49,671	34.8	405	.1	36	335	380	5
Kentucky.....	638,818	477,161	74	94,000	14	263,414	35	196,465	47.8	194,930	30	21	195	190	0
Louisiana.....	913,598	696,747	76	90,933	9.9	294,483	31	205,962	44.2	13,037	1.4	81	70	70	0
Maine.....	175,000	96,311	55	15,023	8	35,931	41	22,456	66.9	1,120	.7		297	297	0
Maryland.....	729,995	293,158	40	15,532	2.1	93,802	16	81,246	19.1	3,454	.5	88	24	23	0
Massachusetts.....	685,175	445,364	65	48,881	7	105,057	46	77,492	63.1	1,927	.2	86	351	558	0
Michigan.....	1,339,829	554,528	41	27,589	22	231,004	11	167,661	16.4	3,989	.3	62	650	532	0
Minnesota.....	773,871	457,550	59	18,500	2.4	135,658	13.6	102,145	18.1	2,016	.3	25	1,244	1,244	0
Mississippi.....	540,000	380,573	70	79,311	14.7	320,750	25	256,196	31.0	6,435	1.2	100	149	130	150
Missouri.....	1,017,412	523,787	51	41,396	4	196,430	21	144,612	28.6	1,314	.1	78	729	all	0
Montana.....	161,559	57,310	35	5,497	3.4	24,602	22	16,978	32.4	815	.5	100	730	220	0
Nebraska.....	266,313	142,783	54	10,037	3.8	60,088	16.7	37,346	26.9	517	.2	37	1,571	395	0
Nevada.....	113,468	19,424	17	1,725	1.5	5,718	30	4,688	36.8	485	.6	22	17	13	0
New Hampshire.....	139,135	71,165	51	(*)	(*)	12,434	(*)	8,385	(*)	600	1.0	16	173	all	0
New Jersey.....	1,266,524	248,002	19.5	25,327	(*)	126,334	21	108,767	23.3	4,782	.4	97	573	321	13
New Mexico.....															
New York.....	3,160,000	1,413,000	45	417,500	13	489,281	85	405,584	103	4,800	.2	98	747	974	0
North Carolina.....	984,946	776,198	78	155,893	15	456,019	34	334,527	46.6	10,640	1.0	79	157	157	0
North Dakota.....	130,046	89,097	68	N.A.		39,332		26,325		290	.2	8.3	474	354	0
Ohio.....	1,511,727	779,635	52	56,601	3.7	257,320	22	194,251	29.1	36,549	2.4	100	640	all	0
Oklahoma.....	391,471	257,000	65.5	39,227	10	135,770	29	101,346	38.7	4,970	1.3	65	694	740	0
Oregon.....	430,401	191,486	44	8,033	1.5	44,075	18	33,832	23.7	646	.1	71	356	(*)	2
Pennsylvania.....	2,125,071	830,961	39	58,558	2.0	334,387	17	255,396	22.9	3,640	.2	80	699	547	0
Rhode Island.....	107,840	41,577	38	6,484	6	24,291	26	18,883	34.3	41,577	38	72	39	32	0
South Carolina.....	603,387	458,865	76	142,248	23	278,491	51	208,329	68.3	5,250	.9	81	93	92	0
South Dakota.....															
Tennessee.....	678,509	529,546	78	72,299	13	314,191	29	222,959	32.4	11,654	1.7	82	150	145	3
Texas.....	2,395,000	967,112	40	122,000	5	617,085	19	403,275	30.3	92,558	3.8	80	1,244	1,106	0

School year 1968-69	School lunch									Breakfast			Guideline policy		
	Average daily attendance	Average daily participation	Percent 2:1	Free and reduced price lunches	Percent 4:1	Number AFDC children	Percent 4:6	Number ESEA children, fiscal year 1967	Percent 4:8	Average daily participation	Percent 10:1	Percent free breakfast	Number school districts	Number plans approved, June 30, 1969	Number plans rejected
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)			
Utah.....	251,361	162,220	65	15,866	6.3	21,478	74	15,395	103	325	.1	3.2	40	40	0
Vermont.....	85,461	40,598	47	4,200	10.3	14,723	28.6	8,945	47.2	753	.8	24	235	248	0
Virginia.....	1,018,000	(6)	41	64,630	6.3	256,421	25	179,409	35.5	47,111	4.6	47	134	132	0
Washington.....	753,460	777,076	37	15,350	2	67,200	23	49,358	31.1	1,822	.2	13.6	326	224	16
West Virginia.....	320,628	181,724	56	35,600	11	141,566	25	109,083	32.6	51,905	16	95	55	55	0
Wisconsin.....	721,329	351,095	49	10,739	15	112,011	9.6	78,593	13.6	1,859	2.6	47	459	431	0
Wyoming.....	80,362	35,922	44	2,065	2.0	9,273	22	6,585	31.4	744	.9	100	161	110	0

¹ Percent.² No date supplied.³ All but.⁴ Estimated.⁵ Not available.

Note: In the case of columns 3, 5, 7, 9, and 11, percentages were figured by the simple division indicated.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself 5 minutes. I am desirous of bringing about a vote at the earliest possible time. As soon as we get enough Senators present to get the yeas and nays, I think we can proceed to vote.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

STATES' PRIORITIES

Mr. JAVITS. Mr. President, I have heard with deep interest the views of the Senator from Georgia and the Senator from Kentucky. And I respect them both fully. I should like to deal with those views very briefly.

First, as to the views of the Senator from Kentucky, I thoroughly agree with him that people who can afford to pay should pay. But I cannot agree with the argument of the poor States because it is a question of priorities in those States.

Unless the Senator from Kentucky can produce a chart for me—or produce it for the Senate; he does not have to do it for me—which shows that Kentucky is striving to its maximum, based upon intelligent priorities—of which hungry children would be the top, it seems to me—and is doing its utmost in respect of this program, I do not think that the argument that remaining static at present is the best they can do is a valid argument.

Certainly we have seen it time and again. If the carrot is big enough, they will do a little more themselves and will give higher priorities than otherwise.

I do not know exactly what Kentucky is doing about its own tax system. It is none of my business. But I would hazard a guess that on the basis of progressive income, it is a lot less onerous than is the case in New York, Illinois, or other such States.

It is a question of priority. Certainly the children are entitled to the highest priorities. And the poor States should not hold back the march of progress for the whole country unless there is a demonstrated need for it.

As to the 20-cent figure, there is an extraordinary variation shown throughout the testimony as to the circumstances under which they have the so-called reduced price meals throughout the country. And we have had lots of that testimony. There has been victimi-

zation in regard to this. I do not necessarily want to pick out the State of Georgia, but it is an example. There was testimony before the Agriculture Committee with respect to Richmond County, Ga., where it is said on page 247 of the hearings report:

It is understood that free lunches are granted only in cases of extreme emergency. Parents with TV sets, telephones, automobiles, etc., should not request free lunches unless dire circumstances have suddenly overtaken them.

They ask:

Would you be willing to let your children do a small amount of work, such as picking up paper, as part payment for the lunches they receive?

More important than that is the question:

Are you willing for a committee from the P.T.A. to visit your home to investigate this application for free lunches?

I am not citing that as a horror story. I am sure that there are other places in other States that are much worse. I would not be surprised to find an example of this in my own State. And I am frank to say that. None of us can claim any kind of immunity.

I only point out that the absence of a concrete base on which this program can stand is a serious one. That is what we are trying to restore.

The Senator from South Dakota (Mr. McGovern) has pointed out—and he is the fountainhead of knowledge concerning this effort—that he considers this as important as any amendment that we are presenting to the Senate.

Finally, I would point out that we are not approaching the optimum. Half the children are not getting the lunches that they need and should have. We have on the present basis over 6 million children. And over 3 million of them are being served, but are being served on an unrealistic standard that does not represent the need.

It seems to me that we must establish the need. If we cannot do it by appropriations, we will of course take the most needy first. But it is one thing to be appropriating against a standard which shows a 2 million gap and appropriating against a standard which shows the true gap of more than 4 million. That goes for every State.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 additional minutes.

Mr. JAVITS. Mr. President, I should like to address myself to the main argument of the Senator from Georgia, which is the diversity that he claims exists. This argument was not challenged, and it must be challenged.

Only 5 percent of the families of the United States work on or have anything to do with farming. That is all.

Mr. AIKEN. Mr. President, I object to that statement. Over 30 percent of the population gainfully employed in the United States depends on agriculture for their living—producing, harvesting, handling, and processing our food and fiber. The figure is 30 percent.

Mr. JAVITS. Mr. President, I will not in any way controvert my beloved colleague, the senior Senator from Vermont, because he is right. However, the statement is not germane to the argument. The question is what is the cost of living for those families. Of the 30 percent, 25 percent are engaged in processing various types of agricultural products and live in towns with populations of from 2,500 to 50,000. Their cost of living—not certified by me, but certified by the Bureau of Labor Statistics—is at the very minimum in the area of \$5,000 for a family of four.

And the rural people, the people who, because of cows, pigs, and vegetables, may have a lower cost of living because they get the benefit of the farm, is a very small percentage of the population of the United States.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. TALMADGE. Mr. President, the Senator will agree with me that he will find no farmers in New York City, but he will find a great many farmers in Missouri, Iowa, and Georgia. That indicates the diversity of our population and the folly of trying to have national standards.

Mr. JAVITS. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, I ask unanimous consent at this time to modify my amendment.

The modification I proposed before omitted some key words.

As modified, my amendment would read:

Provided, That none of the requirements of this section in respect to the amount for "reduced cost" meals and to eligibility for meals without cost shall apply to nonprofit private schools which participate in the school lunch program under the provisions of Section 10 until such time as the Secretary certifies that sufficient funds from sources other than children's payments are available to enable such schools to meet these requirements.

Mr. TALMADGE. Mr. President, I have no objection.

Mr. JAVITS. Mr. President, I thank the Senator.

The PRESIDING OFFICER. The amendment is so modified.

Mr. JAVITS. Mr. President, to complete the point, the fact is that the Bureau of Labor Statistics gives us a figure which indicates the lowest possible budget required in nonmetropolitan areas—which is defined as places having a population of from 2,500 to 50,000—the lowest conceivable cost analyzed here is \$3,945. There are families living on farms who receive the benefits of produce from the farm. They amount to a very small proportion of the population. I honor them and love them dearly. But I do not think that is a criterion that ought to control the situation. They would have a lesser standard than in other areas. Where we have to set a standard, and in the overwhelming majority of the population of the United States, the standard is at least 25 percent below the actual living cost on a low-budget average.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 additional minute.

Mr. JAVITS. Mr. President, I think this is important when it comes to arguing farm stability and when it comes to arguing questions of the stability of farm prices and so forth.

The Senator from Vermont is correct. There we deal with everybody depending on the farm income. But we are not arguing that. We are arguing the cost of living as far as the country is concerned.

I respectfully submit that the Bureau of Labor Statistics Index applies to the overwhelming majority of families engaged in what we call the agriculture business—although it does not apply to that low proportion of population—which gets its income directly off the farm.

Mr. President, I yield 2 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I wish to speak on behalf of the amendment. The only concern I have is that the \$4,000 eligibility standard is going to be obsolete with the present rate of increases in the cost of living of 5 percent or 6 percent a year. If there are communities or States where \$4,000 is a little high, I would anticipate that they will be coming in and asking that the sum be made

\$4,500 because \$4,000 is not realistic in a relatively short period of time.

The deep concern I have is with respect to the reference to New York and Illinois as rich States. That does not take into account that they are also rich in problems. A great many poor people migrate to those States from the South; perhaps it is because there is more opportunity, or that welfare is higher, or perhaps someone down there gave them a one-way bus ticket to take the problem to another State.

Illinois has a State income tax, a State property tax, and a State sales tax of 5 percent. We have every tax that one can think of and we still do not have sufficient funds to meet the needs of our residents. The city of Chicago depends primarily on property taxes and the higher they get the more we drive industry out.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield 2 additional minutes to the Senator from Illinois.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. JAVITS. I yield 1 minute to the Senator from Illinois.

Mr. PERCY. We drive industry out and people lose jobs so that in Chicago we are feeding 150,000 children who are poor and hungry. A month ago the schools that were recently opened needed money for free and reduced price lunches for 9,000 more children and we did not have the money. The rate of progress of 150,000 being fed today has more than doubled from a year ago. State and local communities are doing the best they can, but I do not think we can go further with the resources available and the problems we face in health institutions and welfare programs. The kind of help in this bill and amendment would be needed. I think a uniform standard will not jeopardize the program. It would insure that all hungry, poor children wherever they are will receive a free or reduced price lunch.

Mr. TALMADGE. Mr. President, I yield myself such time as I may require.

The Senator from New York in arguing for a nationwide standard brought out similar problems a child may have in the city of Augusta, Ga., to get a free or reduced price lunch. I hold in my hand statistics from people who make comparisons, the American School Service Association. The statistics in this document show that in Georgia, of the schoolchildren eligible for a free or reduced price lunch, 77 percent of our students participated. In the State of New York the figure is 62 percent. So our standard of performance in Georgia is 15 percent better than it is in New York State.

The departmental views on this subject were quite persuasive. We were considering a question of whether or not to have legislative mandate determine what a reduced price lunch would be. The department felt the question of reduced cost lunches is a matter of administrative regulation and flexibility and not legislative mandate. The department has already by regulation defined reduced cost lunch as one which is 15 cents under the regular price paid in the school, if that price is over 25 cents; and if the regular

price is 25 cents or less, the reduced cost lunch must be at least 10 cents under the price. I think the department regulation is better than writing in a standard because it lends itself to flexibility and change.

In conclusion, the Senator from New York would make every family eligible for a free lunch if its earnings were \$4,000 a year or less. There are 8.4 million such students in the United States. The Senator admits it would cost \$817 million to try to carry out the provisions of his amendment. Being realistic, I do not think Congress is going to authorize that sum of money this year or at any time immediately. What would be the effect? There would be all those who would be eligible and the funds would not be available. That would mean it would hit hardest on those that the committee and Congress want to help. It would be foolhardy to pass legislation that we know in the final analysis is going to hurt people that we purport to help.

Mr. President, I hope the amendment is rejected.

Mr. President, I yield back the remainder of my time. I am ready to vote.

Mr. JAVITS. Mr. President, I ask for 1 minute on the bill. Will the Senator from Georgia reserve the remainder of his time?

Mr. TALMADGE. I reserve the remainder of my time.

Mr. JAVITS. Mr. President, to conclude the debate, the one point that needs to be dealt with is that we are not going to deprive poor children because we will have these basic standards. I do not see how that would operate because, naturally, as they have up to now, they are going to operate on the basis of the most needy first. If that were true, what about the present situation where there are inadequate appropriations to deal with 6 million eligible schoolchildren and only 3 million are being cared for.

If my amendment is agreed to we would have the right target to shoot at.

Mr. TALMADGE. It would not let local authorities designate in that group because Congress would be acting.

Mr. JAVITS. I cannot agree with the Senator. If under the definition of the locality they have twice as many eligible as they are looking after they have to do the right thing.

Mr. TALMADGE. I yield back the remainder of my time.

Mr. JAVITS. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Wyoming (Mr. McGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE),

the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Virginia (Mr. SPONG), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

I further announce that if present and voting, the Senator from Alaska (Mr. GRAVEL), the Senator from New Hampshire (Mr. MCINTYRE), and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

On this vote, the Senator from Virginia (Mr. SPONG) is paired with the Senator from Alabama (Mr. SPARKMAN). If present and voting, the Senator from Virginia would vote "yea" and the Senator from Alabama would vote "nay."

Mr. SCOTT. I announce that the Senator from Michigan (Mr. GRIFFIN) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

The result was announced—yeas 41, nays 40, as follows:

[No. 55 Leg.]

YEAS—41

Bayh	Hart	Nelson
Bible	Hartke	Packwood
Brooke	Hatfield	Pastore
Burdick	Hollings	Pearson
Byrd, W. Va.	Hughes	Percy
Cannon	Inouye	Proxmire
Case	Jackson	Randolph
Cook	Javits	Ribicoff
Cranston	Jordan, Idaho	Schweiker
Eagleton	Magnuson	Scott
Fong	Mathias	Stevens
Goodell	McGovern	Williams, N.J.
Gore	Montoya	Young, Ohio
Harris	Muskie	

NAYS—40

Aiken	Eastland	Moss
Aller	Ellender	Murphy
Allott	Ervin	Prouty
Anderson	Fannin	Russell
Baker	Fulbright	Smith, Maine
Bellmon	Goldwater	Smith, Ill.
Bennett	Gurney	Stennis
Boggs	Hansen	Talmadge
Byrd, Va.	Holland	Thurmond
Cooper	Hruska	Tower
Cotton	Jordan, N.C.	Williams, Del.
Curtis	Long	Young, N. Dak.
Dole	Mansfield	
Dominick	Miller	

NOT VOTING—19

Church	McGee	Sparkman
Dodd	McIntyre	Spong
Gravel	Metcalf	Symington
Griffin	Mondale	Tydings
Kennedy	Mundt	Yarborough
McCarthy	Pell	
McClellan	Saxbe	

So Mr. JAVITS' amendment (No. 508), as modified, was agreed to.

AMENDMENT NO. 508

Mr. JAVITS. Mr. President, I move to reconsider the previous vote.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider.

Mr. MILLER. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TALMADGE. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The motion to reconsider the previous vote is pending. The yeas and nays have been ordered. The question is debatable.

Mr. ALLEN. Is the question on a motion to table?

The PRESIDING OFFICER. Does the Senator from Alabama move to table?

Mr. ALLEN. No; I ask for a yeas-and-nay vote on the motion to reconsider.

Mr. TALMADGE. Mr. President, is my understanding correct that the pending question is on the motion to reconsider the vote by which the amendment was agreed to?

The PRESIDING OFFICER. The Senator is correct.

Mr. TALMADGE. And that a yeas vote would be a vote to reconsider?

The PRESIDING OFFICER. A yeas vote would be to reconsider, that is correct. The motion is debatable.

Mr. JAVITS. Mr. President, I do not think it was the intention of the majority leader to have the question debated. I was not eligible to make such a motion, but I moved to reconsider the vote simply as a formality; therefore I would ask unanimous consent to withdraw the motion, so that it could be made by an appropriate Senator, and a motion to table would be in order.

Mr. MANSFIELD. Mr. President, the majority leader had nothing to do with the pending motion, but in view of the fact that one of our colleagues was stuck in an elevator, through no choice of his own, and was out of breath when he arrived here, I move to reconsider the vote by which the bill was passed.

Mr. AIKEN. Is the question on a motion to lay on the table?

Mr. ALLEN. No, on the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider the vote by which the amendment (No. 508, as modified) of the Senator from New York was agreed to. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Utah (Mr. MOSS), the Senator from Alabama (Mr. SPARKMAN), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

I further announce that, if present and voting, the Senator from Utah (Mr. MOSS) would vote "yea."

On this vote, the Senator from Alabama (Mr. SPARKMAN) is paired with the Senator from Texas (Mr. YARBOROUGH). If present and voting, the Senator from Alabama would vote "yea" and the Sena-

tor from Texas would vote "nay."

Mr. SCOTT. I announce that the Senator from Michigan (Mr. GRIFFIN) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Tennessee (Mr. BAKER) and the Senator from Arizona (Mr. GOLDWATER) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

The result was announced—yeas 39, nays 42, as follows:

[No. 56 Leg.]

YEAS—39

Aiken	Dominick	Murphy
Allen	Eastland	Prouty
Allott	Ellender	Randolph
Anderson	Ervin	Russell
Bellmon	Fannin	Smith, Maine
Bennett	Fulbright	Smith, Ill.
Boggs	Gurney	Spong
Byrd, Va.	Hansen	Stennis
Byrd, W. Va.	Holland	Talmadge
Cooper	Hruska	Thurmond
Cotton	Jordan, N.C.	Tower
Curtis	Mansfield	Williams, Del.
Dole	Miller	Young, N. Dak.

NAYS—42

Bayh	Hart	Muskie
Bible	Hartke	Nelson
Brooke	Hatfield	Packwood
Burdick	Hollings	Pastore
Cannon	Hughes	Pearson
Case	Inouye	Pell
Cook	Jackson	Percy
Cranston	Javits	Proxmire
Eagleton	Jordan, Idaho	Ribicoff
Fong	Magnuson	Schweiker
Goodell	Mathias	Scott
Gore	McGovern	Stevens
Gravel	Mondale	Williams, N.J.
Harris	Montoya	Young, Ohio

NOT VOTING—19

Baker	McCarthy	Saxbe
Church	McClellan	Sparkman
Dodd	McGee	Symington
Goldwater	McIntyre	Tydings
Griffin	Metcalf	Yarborough
Kennedy	Moss	
Long	Mundt	

So the motion to reconsider was not agreed to.

AMENDMENT NO. 509

Mr. JAVITS. Mr. President, I call up my amendment No. 509.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from New York (Mr. JAVITS) proposes an amendment, No. 509, as follows:

On page 29, after line 6, insert the following:

"UTILIZATION OF PRIVATE FOOD SERVICE COMPANIES

"SEC. 10. The National School Lunch Act is further amended by adding after section 14 (as added by section 9 of this Act) a new section as follows:

"UTILIZATION OF PRIVATE FOOD SERVICE COMPANIES

"SEC. 15. (a) Any school which the Secretary determines lacks or has inadequate food preparation facilities may formulate and carry out under this Act and the Child Nutrition Act of 1966 a child feeding program by contracting with private food service concerns for the provision of nutritious meals for such school.

"(b) The Secretary shall provide food commodities, including milk, to schools which conduct programs authorized by this section, and such schools shall be entitled

to cash benefits authorized under this Act and the Child Nutrition Act of 1966.

"(c) The highest nutritional requirements prescribed by the Secretary for lunch and breakfast meals served under this Act and the Child Nutrition Act of 1966, respectively, shall apply in the case of lunch and breakfast meals contracted for by any school under authority of this section."

AMENDMENT NO. 509

Mr. JAVITS. Mr. President, I call up my amendment No. 509 and ask that it be stated.

The PRESIDING OFFICER. (Mr. EAGLETON in the chair). The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD.

The amendment of the Senator from New York is as follows:

On page 29, after line 6, insert the following:

"UTILIZATION OF PRIVATE FOOD SERVICE COMPANIES

"SEC. 10. The National School Lunch Act is further amended by adding after section 14 (as added by section 9 of this Act) a new section as follows:

"UTILIZATION OF PRIVATE FOOD SERVICE COMPANIES

"SEC. 15. (a) Any school which the Secretary determines lacks or has inadequate food preparation facilities may formulate and carry out under this Act and the Child Nutrition Act of 1966 a child feeding program by contracting with private food service concerns for the provision of nutritious meals for such school.

"(b) The Secretary shall provide food commodities, including milk, to schools which conduct programs authorized by this section, and such schools shall be entitled to cash benefits authorized under this Act and the Child Nutrition Act of 1966.

"(c) The highest nutritional requirements prescribed by the Secretary for lunch and breakfast means served under this Act and the Child Nutrition Act of 1966, respectively, shall apply in the case of lunch and breakfast meals contracted for by any school under authority of this section."

Mr. JAVITS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

PRIVATE FOOD MANAGEMENT COMPANIES

Mr. JAVITS. Mr. President, at this time, I am withdrawing my second amendment, No. 509, an amendment to allow schools to utilize private food management companies in the provision of nutritious meals to children in federally assisted child feeding programs.

I first introduced this concept in my omnibus hunger bill in August of last year and reintroduced it in revised form in my Child Nutrition Act of 1969, on which the Committee on Agriculture conducted hearings.

ADMINISTRATION'S INITIATIVE

Since that time, the administration has taken the initiative in drafting regulations which reverse the policy prohibiting food management companies from entering child feeding programs.

I wish to commend Secretary Hardin for doing what previous administrations had for so long refused to do utilize the expertise and competence of the private food industry.

In an effort to ascertain whether the new regulations would be in complete harmony and accomplish the same purposes as my amendment, I wrote a letter of inquiry to Secretary Hardin.

Mr. President, based on that response, I feel the new regulations will accomplish the same purposes as my amendment, and I have the assurance of the Department that the regulations will not restrict schools from contracting with such companies. Therefore my amendment as no longer necessary.

The administration's action, which has been needed for so long, will help feed many millions more children in such cities throughout the Nation as Buffalo, N.Y., where school officials have sent out bids to private food companies asking for help.

I am especially pleased that the administration is taking steps to implement the recommendations of the White House Conference on Food, Nutrition, and Health calling for utilization of private food companies.

Mr. President, the utilization of private food management companies, in respect to the school lunch program, has been a matter of absorbing interest to me for a long time, as this is a way in which schools can have this program without having the facilities themselves.

Many companies specialize in food service to factories and similar public establishments, and when I say "public" I do not mean necessarily governmentally owned, where the problem arises.

The Department, in a letter to the committee, said that it would change its regulations as of April 1.

With respect to the matter of the food service companies being brought into this picture, my amendment nonetheless was pressed because as stated before: one, we wanted to be sure that the earliest possible date would obtain; second—a very important proposition—we wanted to be sure that there would be no conflict with the intent of my amendment on the basis of agreement of the department; and three, also that no school would be penalized by losing anything under the School Lunch program because it was going to contract with a private food management company.

I wish to reiterate that the department is fully satisfied on all points, as expressed in a letter dated yesterday, which I ask unanimous consent to have printed in the RECORD, as well as the letter which I wrote to the Department on the subject. I have given the letter to the Senator in charge of the bill, and he is satisfied.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., February 20, 1970.
Hon. CLIFFORD M. HARDIN,
Secretary, Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: As you know the Senate will consider S. 2548, the School

Lunch bill reported by the Agriculture Committee.

I intend to introduce an amendment to that bill, which would allow private food management companies to contract with schools for the provision of nutritious meals under Child Feeding Programs receiving federal assistance.

Recognizing that the Administration has indicated an intention to issue new regulations to permit private food companies to provide meals, I would appreciate your advising me as to the present status of your efforts and the extent to which the regulations contemplated would accomplish the intent of my amendment. I am particularly interested in knowing whether under the new regulations schools with contracts with food management companies would receive the same cash and commodity benefits as do schools completely operating their own programs.

Sincerely,

JACOB K. JAVITS.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., February 23, 1970.
Hon. JACOB K. JAVITS,
U.S. Senate.

DEAR SENATOR JAVITS: Thank you for your letter of February 20 regarding your amendment to S. 2548 to allow private food management companies to serve child feeding programs.

As you point out in your letter the Administration has indicated its intention to utilize the capabilities of food management companies in child feeding. This policy was announced by Dr. Jean Mayer in his December 24 White House press conference. Dr. Mayer's announcement was the product of a review of the long standing practice of excluding these companies. It was also responsive to legislative initiatives including the provisions of your own child feeding bill.

We will publish our proposed regulation in the Federal Register on or before March 1. It will allow all schools to contract with food service management companies and continue to qualify for all the cash and commodity grants available to school administered programs.

The regulation will clearly accomplish the purposes of your amendment.

Sincerely,

RICHARD LYNG,
Assistant Secretary.

Mr. TALMADGE. If the Senator will yield there, as the Senator knows, the committee took action along with the Senator's insertion in the committee report of another letter from the Department. I ask unanimous consent that the letter, beginning on page 8 of the committee report, signed by Edward J. Hekman, Administrator, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
FOOD AND NUTRITION SERVICE,
Washington, D.C., January 14, 1970.
Dr. J. W. EDGAR,
Commissioner of Education, State Education
Agency, Austin, Tex.

DEAR DR. EDGAR: This is to give you advance notice of the Department of Agriculture's intention to amend the regulations for the child nutrition programs with respect to the use of food service management companies.

We know you are aware of the great need to expand the coverage of the child nutrition programs to reach as many additional needy children as possible and as quickly as possible. President Nixon and the delegates to the recent White House Conference on Food, Nutrition, and Health, have urged action to make these programs a more effective delivery system in the drive to eliminate pov-

erty related hunger and malnutrition in this country.

To help reach this goal, we have evaluated all available resources that could make a contribution, including the use of the skills and capacities of food service management companies.

Our analysis leads to the conclusion that there is no justification for the continued across-the-board exclusion of food service management companies in the operation of the school lunch and other child nutrition programs which are federally assisted by this Department.

Accordingly, we will develop new regulations establishing the policies and standards under which food service companies may be authorized to conduct food service in schools and service institutions receiving Federal food assistance.

Under this change in the Federal regulations, State educational agencies would still have the authority and discretion through their own regulations to determine their policies with respect to the use of food service management companies in schools.

The proposed changes in the regulations will be forwarded as soon as possible for your review. We are aiming for April 1 as the target date on which the changes will become effective.

Sincerely,

EDWARD J. HEKMAN,
Administrator.

Mr. TALMADGE. Mr. President, I thank the Senator from New York.

Mr. JAVITS. I thank my colleague from Georgia.

Also included was the message as sponsored with my colleague from New York (Mr. GOODELL) on the school lunch program. I express my gratification to the committee and to the department, that it is taken care of in this effective way. The Senator from Georgia (Mr. TALMADGE), the cosponsors, and I, believe that this should have a measurable and helpful effect upon the totality of the program.

Mr. TALMADGE. It would be extremely helpful in some of the large cities that have no large food serving equipment, or space. In the hearings, it was brought out that there were no equipment, no cafeterias, or dining rooms in some of the large metropolitan areas.

Mr. PERCY. Mr. President, on that very point, if the Senator will yield, in Chicago, there are 50,000 ghetto children who attend schools without facilities of this kind. This amendment certainly would facilitate providing them with a needed meal. I think we should point out that many times we hold conferences in Washington and nothing ever comes of them. This is not so with the White House Conference on Food, Nutrition, and Health. I think we have expeditiously moved on the recommendations of the Conference by this and other amendments.

Mr. JAVITS. I thank my colleague from Illinois. The Senator is a cosponsor of this amendment and has expressed the deepest interest and has helped work on it. The letter from the Department of Agriculture acknowledges the valuable contribution of Dr. Jean Mayer who planned White House Conference on Nutrition in bringing about this result.

On that basis, Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The question is on agreeing to the committee amendment in the nature of a substitute.

AMENDMENT NO. 514

Mr. STEVENS. Mr. President, I call up my amendment No. 514 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

AMENDMENT NO. 514

On page 22, lines 13 and 14, strike out "a new sentence as follows" and insert in lieu thereof "the following".

On page 22, line 20, immediately after the period, insert the following: "Whenever the amount of annual income of a family is prescribed as part of the criteria for determining the eligibility of a child of such household to receive free or reduced-price lunches, the amount of annual income prescribed by such criteria shall be increased by 25 per centum in the case of Hawaii and Alaska and the amount apportioned to each state shall be increased accordingly."

On page 22, between lines 20 and 21, insert a new subsection as follows:

"(e) Section 4(e) of the Child Nutrition Act of 1966 (42 U.S.C. 1771) is amended by adding at the end thereof a new sentence as follows: 'Whenever the amount of annual income of a family is prescribed as part of the criteria for determining eligibility of a child of such household to receive free or reduced-price meals, the amount of annual income prescribed by such criteria shall be increased by 25 per centum in the case of Hawaii and Alaska and the amount apportioned to each State shall be increased accordingly.'"

Mr. STEVENS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 10 minutes.

Mr. STEVENS. First, I should like to make certain that the record is clear that the amendment is cosponsored by both Senators from Hawaii (Mr. FONG and Mr. INOUE).

We have previously recognized the concept of the cost of living in Alaska and I have pointed this out in many ways.

For instance, military people who serve in Alaska are paid overseas pay. Government employees are paid 25 percent in addition to the rate they would be paid in the "South 48"—as we call them. This is cost-of-living allowance for Government employees. Many Government employees are on a wage board scale. Even in the area of moving costs for those displaced by Federal projects, we increased the payment for moving costs to recognize the extreme high cost of living in my State and in Hawaii.

Our costs are 25 percent in excess of any other State in the Union. The pending amendment merely seeks to recognize this in terms of the children that would be benefited by the programs.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. STEVENS. Mr. President, I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, having just recently been in Alaska on the occasion of the momentous opening of the bids, I was shocked at the prices for clothes, meals, for hotel rooms, lodging,

rent, and interest. Everything is substantially higher. Certainly in view of that situation—and the same situation also prevails in Hawaii—I know that the Senator is seeking to put Alaska and Hawaii on the same basis as the rest of the country with his amendment.

The Senate has said that the \$4,000 eligibility standard should be used. The Senator is seeking to except Hawaii and Alaska by increasing the standard and thus put them on the same basis.

I support him and commend him for pointing out the needs of his people.

Mr. STEVENS. Mr. President, I thank the Senator. There are 124,000 children under the age of 18 in my State.

As the amendment of the Senator from South Dakota and the amendment of the Senator from New York have been adopted, thereby placing a \$4,000 figure in the bill, there would be 14,062 children under the age of 18 who would be covered by the bill, or approximately 11 percent of the children of Alaska. In families having a family income of under \$5,000, which would be the goal of the amendment we have offered, there are 18,057 children or approximately 16 percent. That would be close to the national average of the effect of the bill as it has been amended. The increase brought about by raising the amount from \$4,000 to \$5,000 would be an increase of 38.4 percent in my State.

In the case of Hawaii, there are 304,000 children under the age of 18. For those in families with family incomes of less than \$4,000, there are 34,889 children under the age of 18. That is approximately 10 percent, almost exactly as is the case in Alaska for those in families with under \$4,000 annual income.

In families having \$5,000 annual income or less, there are 52,722 children under the age of 18.

I call particular attention to this. Although the coverage of this amendment is approximately the same as in Alaska—Hawaii would be 15 percent and Alaska would be 16 percent. To raise that amount from \$4,000 to \$5,000 would increase the coverage in the case of the children in Hawaii by 59.7 percent.

We are not seeking any special benefit. We are merely saying that if we have a figure of \$4,000, it would not be effective because it would not cover the children of people living in poverty. The bill as it stands covers only those people living in abject poverty.

The bill will not assist those in urban areas with a high cost of living. This amendment of ours is not something just for the native people of my State. Most of their family income do not equal \$4,000.

This is an amendment for Hawaii and Alaska to make the school breakfasts and lunches available to the schoolchildren in the urban areas of Hawaii and Alaska where the cost of living is the highest in the Nation.

If the figure \$4,000 remains, it would be discriminatory to the people of Alaska and Hawaii.

Just as we provide Government employees with a cost-of-living allowance and provide military people in Alaska with a cost-of-living allowance, we

should recognize that a 25-percent actual cost-of-living allowance should be included in this program.

I feel very strongly about the matter. I cannot see setting arbitrary limits in bills such as this. The amount has been agreed to. I support it. I understand fully the reasons why it is necessary to have the figure. However, in doing so, I would hope that those who have supported the amendment of the Senator from South Dakota and the amendment of the Senator from New York will realize that in supporting the amendment of the Senators from Hawaii and the Senators from Alaska they have not done a disservice to the people of my State.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. TALMADGE. Mr. President, the objective of this amendment appears to be to provide in both the school lunch and school breakfasts programs in Alaska and Hawaii for, first, income criteria for free or reduced price lunches or breakfasts 25 percent higher than other States, and, second, a commensurate increase in Federal funds apportioned to Alaska and Hawaii.

The amendment appears to be defective in several respects.

First, the income criteria for free or reduced price meals are required to be fixed by local school authorities. This amendment would thus require Alaskan school authorities to fix the income requirement 25 percent above the income requirement fixed by Alaskan school authorities. We do not see how this could be done. The purpose of the amendment probably is to substitute \$5,000 for the \$4,000 minimum income criteria adopted by the Senate yesterday for the school breakfast program, and the similar amendment adopted for the school lunch program today. But the amendment does not do that.

Second, the amendment provides that the amounts apportioned to Alaska and Hawaii shall be increased "accordingly." This raises the following questions:

What funds are we talking about? Section 4 funds for the regular school lunch program, nonfood assistance funds, section 11 funds for special assistance, section 32 funds? The amendment is probably directed in the case of the school lunch program to section 11 funds, but it does not so provide.

Then, if we determine what funds are to be increased, how should they be increased "accordingly" for Hawaii and Alaska. Possibly the intent is to increase them 25 percent. More probably the intent is to use a \$5,000 factor for Alaska instead of the \$4,000 factor adopted by the Senate yesterday for the apportionment of section 11 and school breakfast programs, but the amendment does not specify.

These income criteria are fixed by local school districts and consequently may vary from district to district. Alaska might have a wide variety of income standards, as might every other State, with possibly two or more standards in

each district, one for free meals, and one or more for reduced price meals. Alaskan standards might be higher or lower than Hawaiian standards. If New York authorities were in a generous mood they might fix standards above those for either Alaska or Hawaii. The provision for increasing the apportionment is completely ambiguous.

The committee is sympathetic with this amendment. It underlines the fact that conditions do vary from country to city and from State to State. The committee does not believe that it is feasible or fair to fix a minimum that is applicable in all areas regardless of conditions.

I am aware of the fact that the cost of living is quite high in Alaska and in Hawaii. But I am also equally aware of the fact that the cost of living is quite high in New York City and Chicago and Detroit, perhaps higher than it is on a farm in south Georgia or in a rural area of Hawaii or Nebraska.

That shows the foolhardiness of trying to legislate national standards.

Alaska and Hawaii are both members of the Union. We make laws for all 50 States. We make laws to apply equally and uniformly. I think it would be a great mistake if the Senate were to set up standards and then make exceptions and name two States that have different standards from the other 48 States. To my mind, it might be a serious impairment of the equal protection provision of the law.

Mr. President, this is one common country, indivisible, with liberty and justice, I hope, for all. We should have equal application of the law for all.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 10 minutes.

Mr. STEVENS. Mr. President, I understand the position stated by the manager of the bill, and I have great respect for the Senator from Georgia. I remember so well sitting up in the gallery at the time we sought statehood, and we did it on the basis that we wanted to be treated equally. But that is just my point. No one—and I repeat, no one—can deny the statistics. There is not a State in the Union which has a greater cost of living than ours, other than Hawaii. Under those circumstances, when a figure of \$4,000 is submitted in a bill is it no different than writing in x dollars for the salary of a Government employee or writing in a figure of x dollars for a serviceman. We recognize that those salaries in Alaska and Hawaii do not provide Government employees and servicemen enough money on which to live.

Now, we are saying we should have these programs to assist schoolchildren. We want equality, and that is all—not special benefits. In this connection, as far as the coverage of this amendment, I thought it was very specific. It states:

"Whenever the amount of annual income of a family is prescribed as part of the criteria for determining the eligibility of a child of such household to receive free or reduced price lunches, the amount of annual income

prescribed by such criteria shall be increased by 25 per centum in the case of Hawaii and Alaska and the amount apportioned to each state shall be increased accordingly.

That language is very plain. Whenever the income of the family is to be used as the criteria we would get recognition of the fact that the cost of living is at least 25 percent higher.

I would be pleased to have the Senator from Georgia to come to my State with me as I go around and see the prices. The Senator from Illinois was there. I know that. He was in Anchorage. The cost of living there is about 25 percent higher.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. TALMADGE. I have been to the great State of Alaska. It is a great, beautiful, growing, and dynamic State. I am proud it is one of the 50 States in the Union.

When we get into the question of prices, they vary in all 50 States. I do not know of another Federal program, such as old age assistance, when we say there shall be one price for New York State, a different price for New Mexico, a different price for Kansas, and a different price for Alaska. We have to legislate uniformly for all 50 States. It would be unfair to pass a law for 49 States and provide that the application of that law be applied in a different manner for one State.

Mr. STEVENS. Mr. President, I appreciate the comments of the distinguished Senator from Georgia. I am happy to hear that he has been to my State. I was going to say I would like to take the Senator to the places where the cost of living exceeds the national average by 60 percent. We are just talking about the amount by which the cost of living exceeds the national average, and that is the amount we pay Government employees.

In most OEO programs, the OEO allowances are 25 percent higher for Alaska. It has been recognized in the poverty program that there are exceptions for Hawaii and Alaska if arbitrary national limits are set in terms of eligibility.

Mr. TALMADGE. Mr. President, will the Senator yield on that point?

Mr. STEVENS. I yield.

Mr. TALMADGE. I did not favor that amendment. Unfortunately, the Senator from Alaska did.

Mr. STEVENS. The Senator is correct.

Mr. TALMADGE. If that amendment had not been agreed to the State of Alaska would have the complete right to make those determinations by the local people in Alaska.

Mr. STEVENS. I appreciate the comment of the Senator but it is not quite the way I understand the situation. If we are going to have emphasis on this program, it is necessary that Alaska be heard on the national scene, and I think we should be. I am prepared to go home and defend myself for having voted for this program.

All we are doing is seeking equity under this program and it is no different than being under the poverty program of the OEO, or the situation in connection with

Government employees or military employees.

As I told the Senator from Georgia prior to the Senate convening today, a young military man who serves in my State, who comes from another State, gets a cost of living allowance, but a young man from Alaska who goes in the military and serves in his State does not get an allowance. We are used to discrimination in some Federal laws and I hope we will be able to eliminate some of them. This is just a forerunner of discussions we hope to have in connection with legislation the President has submitted in terms of setting national standards as far as the poverty level is concerned.

I agree with the Senator from Georgia, to a certain extent, that a fair level cannot necessarily be set. But if there are to be national levels in the law they should be as fair as possible to the non-contiguous States. I do not think the Senator disagrees. We do not manufacture any products. Only about 8 percent of our agricultural products are grown in Alaska. We import almost everything from "outside," from the Senator's State and other States. We are growing with the new oil industry and we will be improving more.

I am happy to have the support of the Senators from Hawaii in connection with this effort to get equity for our two States.

Mr. INOUE. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. INOUE. Mr. President, I would like to add to the presentation of the Senator from Alaska by advising Senators that in the last determination by the Department of Labor, the city of Honolulu received the No. 1 ranking in the cost of living in the United States. If our present laws are permitted to remain as is in terms of qualification, we will have approximately 35,000 young children qualifying.

Under the amendment of the Senator from Alaska, the level would be much more realistic and we would have an increase of approximately 60 percent, raising the figure to 55 percent.

I think it would be unfortunate if the present law were permitted to stand. It would mean that in Alaska and Hawaii innocent children who had nothing to do with being impoverished would have to suffer from the high cost of living in our States.

As noted by the Senator from Alaska, the high cost of living in Hawaii is due to high transportation costs, and our distance from the mainland. The effect would be to penalize those young people because of the circumstances.

I commend the Senator for his leadership and initiative in promoting and sponsoring the pending amendment. I hope the amendment of the Senator from Alaska is agreed to.

The PRESIDING OFFICER. Who yields time?

Do Senators yield back the remainder of their time?

Mr. STEVENS. Mr. President, the senior Senator from Hawaii asked to be heard in connection with this matter,

and I would like to wait for him. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 35 minutes remaining.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I yield such time to the distinguished Senator from Hawaii (Mr. FONG) as he may desire.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. FONG. Mr. President, I strongly support this amendment, which would add 25 percent to the amount of annual income used in determining the eligibility of a child in Hawaii or Alaska to receive free or reduced price school lunches.

Official Federal Government surveys on costs of living in Hawaii and Alaska since 1949 have consistently shown that it costs between 15 percent to more than 25 percent more to live in these non-contiguous States than it does to live in an area like Washington, D.C. The last survey of the U.S. Civil Service Commission regarding the cost of living for Federal white-collar employees in Hawaii and Alaska as compared to Washington, D.C. states:

On the basis of Washington equaling 100, the new indexes were determined through the 1968 survey to be 130.0 in Anchorage, 139.3 in Fairbanks, 125.3 in Juneau, 115.4 in Honolulu.

The U.S. Department of Labor earlier this year, in recognition of Hawaii's higher cost of living increased the poverty level income criteria for Hawaii by 15 percent. This increase has allowed the State to more effectively assist lower income families, providing them with greater opportunities for upward mobility. This move allowed the State to offer assistance, through economic opportunity programs, to many more hundreds of poverty income level families in the State of Hawaii.

The increase from \$3,000 to \$4,000 in the poverty income level for certain programs now in the bill is a step in the right direction. However, the differential in living costs and income between Hawaii and the mainland United States has existed for many years and continues. There is no reason to believe that there will be a lessening of this differential, and it should be recognized and allowed for in this measure.

The 2,800 miles of open ocean separating Hawaii from its sister States imposes higher living costs for all of Hawaii's more than 700,000 people. These higher costs are shared by all industry and consumers in Hawaii, but the income levels remain at a level in line with and in many instances lower than those of the citizens of the other States of the Union.

This peculiar situation of high costs with no comparable increases in family income should be recognized when such income is a criterion for eligibility in a critical program such as this school lunch program. To ignore this disparity would place many of the school children in Hawaii and Alaska who come from lower income homes at a disadvantage not intended by the Congress. They would be denied participation in the school lunch program in a degree that is essential to their continued health and well-being.

I believe this amendment would only put back into law the spirit in which the school lunch program was formulated as it affects school children in Hawaii and Alaska. It is only fair that the income disparity be recognized and allowances made for it in this essential Federal program. I urge the adoption of amendment 514.

Mr. TALMADGE. Mr. President, I am prepared to yield back my time and get to a vote, but first I would like to get a few more Senators present on the floor before I do so. Meanwhile, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The time will be charged to the Senator from Georgia.

The assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. Mr. President, if the Senator from Alaska is prepared to yield back the remainder of his time and have a voice vote, I am prepared to do so.

Mr. STEVENS. Mr. President, I have just received word that the junior Senator from Alaska (Mr. GRAVEL) is on his way to the Chamber, if we could delay it for just a few more minutes.

Mr. TALMADGE. Mr. President, under those circumstances, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I am prepared to yield back my time.

Mr. TALMADGE. Mr. President, is the Senator prepared to vote?

Mr. STEVENS. Yes, I am prepared to vote.

Mr. TALMADGE. Does the Senator yield back the remainder of his time?

Mr. STEVENS. Yes, I yield back the remainder of my time. I move the adoption of my amendment.

Mr. TALMADGE. Mr. President, I yield back the remainder of my time. I think we can have a voice vote.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Alaska. [Putting the question.]

Mr. TALMADGE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Oklahoma (Mr. HARRIS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. McCARTHY), the Senator from Wyoming (Mr. McGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Alabama (Mr. SPARKMAN), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH), is absent on official business.

I further announce that, if present and voting, the Senator from Alabama (Mr. SPARKMAN), would vote "nay."

Mr. SCOTT. I announce that the Senator from Michigan (Mr. GRIFFIN) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE) is absent on official business.

The Senator from Tennessee (Mr. BAKER) and the Senator from Texas (Mr. TOWER) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

The result was announced—yeas 37, nays 45, as follows:

[No. 57 Leg.]

YEAS—37

Bellmon	Hruska	Nelson
Boggs	Hughes	Packwood
Brooke	Inouye	Pastore
Case	Jackson	Pearson
Cook	Javits	Pell
Cooper	Magnuson	Percy
Curtis	Mansfield	Ribicoff
Eagleton	Mathias	Schweiker
Fong	McGovern	Scott
Gravel	Mondale	Stevens
Hart	Montoya	Williams, N.J.
Hatfield	Murphy	
Hollings	Muskie	

NAYS—45

Alken	Eastland	Miller
Allen	Ellender	Moss
Allott	Ervin	Prouty
Anderson	Fannin	Proxmire
Bayh	Fulbright	Randolph
Bennett	Goldwater	Russell
Bible	Goodell	Smith, Maine
Burdick	Gore	Smith, Ill.
Byrd, Va.	Gurney	Spong
Byrd, W. Va.	Hansen	Stennis
Cannon	Hartke	Talmadge
Cotton	Holland	Thurmond
Cranston	Jordan, N.C.	Williams, Del.
Dole	Jordan, Idaho	Young, N. Dak.
Dominick	McClellan	Young, Ohio

NOT VOTING—18

Baker	Long	Saxbe
Church	McCarthy	Sparkman
Dodd	McGee	Symington
Griffin	McIntyre	Tower
Harris	Metcalf	Tydings
Kennedy	Mundt	Yarborough

So Mr. STEVENS' amendment was rejected.

Mr. TALMADGE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. FULBRIGHT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 515

Mr. MONDALE. Mr. President, yesterday I submitted amendment No. 515, accompanied by certain remarks which appear in yesterday's CONGRESSIONAL RECORD.

This amendment is designed to deal with what I regard to be a very serious gap in this Nation's—

The PRESIDING OFFICER. Has the Senator called up his amendment?

Mr. MONDALE. I have not yet called it up.

The PRESIDING OFFICER. Who yields time?

Mr. TALMADGE. Mr. President, I yield 3 minutes to the distinguished Senator from Minnesota.

Mr. MONDALE. This amendment is designed to deal with what I regard to be a very serious inadequacy in our present national effort to bring good nutrition to those who do not now have it.

There has been ample testimony by Dr. Lowell and top pediatricians and experts around the country that in the first 4 or 5 days of life the human mind and the human body are most vulnerable to malnutrition and that during this time malnutrition can cause serious and permanent and physical and mental damage that cannot be remedied in later life. It is here that a failure to provide adequate nutrition can make the difference between a healthy mind and a healthy body and a mangled human being unable to achieve or even take care of himself in adulthood.

The pending school lunch program, however, has been before us for several days, and I recognize that the approach embodied in this amendment is new. It has not been subjected to hearings and has not yet been the product of discussions in the Select Committee on Nutrition and Human Needs.

Therefore, I rise to emphasize what I regard to be the serious importance of an effort in this field, but I do not propose to raise it as an amendment at this time nor to seek to attach it to this bill.

I ask the Senator from Georgia, the floor manager of the bill, if he will yield to me for a question.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota for a question?

Mr. TALMADGE. I am delighted to yield to the Senator from Minnesota.

Mr. MONDALE. I have just indicated that I do not intend to raise this amendment on this measure. It is my understanding that the whole school lunch program will come up for renewal in 1971.

Mr. TALMADGE. The breakfast program will come up at that time, and the committee chairman has promised full hearings, and we would be delighted to consider the Senator's amendment at that time.

I compliment the Senator for not proposing the amendment at this time, be-

cause it was offered yesterday, and it was never considered by the committee. It is most far-reaching and comprehensive, as the Senator knows, and even our staff and the Department of Agriculture have not been able to ascertain its full import. But it will be given complete and thorough consideration at the time the Senate committee goes into this area next year.

Mr. MONDALE. I agree with what the Senator has just said.

As the Senator knows, the Committee on Finance will shortly begin with the President's program that he calls the family assistance program.

Mr. TALMADGE. If and when the House sends us a bill.

Mr. MONDALE. That is correct.

One element of that particular amendment is a national system of day care centers to take care of children while the mothers are engaged in employment. This gets into the question of what kind of care those children are provided during that period, and I hope that the Committee on Finance will also give some thought to the nutritional element.

Mr. TALMADGE. I agree with the Senator.

As the Senator knows, a nonprofit organization is eligible for contribution of commodities at the present time, and in certain instances I think it has done an outstanding job. Certainly, day-care centers enable needy mothers to work, and a nonprofit organization is entitled to it under existing law. Certainly, it should be looked into carefully, because that is a laudable purpose and probably should be expanded.

Mr. MONDALE. I thank the Senator for his comments.

I do not intend to call up this amendment.

Mr. TALMADGE. I thank the Senator from Minnesota.

Mr. COOK. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to the distinguished Senator from Kentucky.

Mr. COOK. I wish to commend the Senator from Minnesota for introducing the amendment and making the Members of the Senate aware of this.

The only point I should like to make and get into the RECORD is that we did have some testimony before our committee that rather disastrously showed that of all the children who are born today, medical science has determined that approximately 5 percent will have some mental deformity; that taking the same group of children today and projecting them to the age of 5, their mental problems will increase to 12 percent, and that means that we, with all the resources of this Nation, do far worse than nature.

I just wanted to get this into the RECORD, because I think it is one of the things that is vitally important in regard to the Select Committee on Nutrition and Human Needs, as to why it was allowed to stay in existence. When we uncover more such statistics and show the necessity for a revitalization of parents in this country to understand and assume their responsibilities in true nutritional soundness in the case of children between the ages of absolute infancy and

5 years, I believe we will have cured one of the major problems in this Nation.

Mr. TALMADGE. I thank the Senator. I have served with him on the Nutritional Committee, and I know of his keen interest in this matter, and I compliment him on it.

Mr. President, so far as I know, there are no further amendments, so I think third reading is now in order.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. TALMADGE. I am delighted to yield to the Senator from Virginia, who is a cosponsor of the bill.

Mr. SPONG. Mr. President, earlier today we voted on amendment No. 508. I reached the door of the Chamber just as the regular order was called for. I realize that the call for the order is completely within the rules of the Senate. Nevertheless, I subsequently voted that this matter be reconsidered, in the hope that I would have an opportunity to vote on that amendment, and I want to state that to the Senate at this time.

Mr. MANSFIELD. Mr. President, if the Senator will yield, I corroborate the fact that he was unavoidably delayed due to technical difficulties over which he had no control. He was entering the door of the Chamber just at the time the Chair was announcing the vote.

Mr. TALMADGE. Mr. President, the Senator from Virginia is a cosponsor of the pending bill. He and I have discussed it many times. He delivered an excellent speech last evening in its behalf, and I know of his keen interest in this area. I know that if he had not been unavoidably detained, he would have been on the floor at the time of the vote.

Mr. SPONG. I thank the Senator.

Mr. MANSFIELD. Mr. President, I have directed the Sergeant at Arms to discuss the condition of the elevators with the Architect of the Capitol.

Mr. SPONG. I thank the majority leader.

Mr. MOSS. Mr. President, I rise to support S. 2548, a bill to amend the Nutritional School Lunch Act and the Child Nutrition Act of 1966 as reported by the Senate Committee on Agriculture and Forestry. It is an excellent bill that makes needed changes in our child nutrition program. I am proud to be a cosponsor. I believe in both of these programs and I want to see them as adaptable and flexible as we can make them. No American child should be handicapped in any way by lack of wholesome nutrition. We have the national capacity to produce or even to over produce food. We must provide distribution to our children.

The bill is the product of extensive hearings. Witnesses testified from the widest possible range of expertise as to how we can do a better job of reaching children through the child nutrition programs. Expansion of these programs as a delivery system is the quickest and most direct route to improving nutrition among children—with special emphasis on getting at least one or two good meals a day to our neediest children.

S. 2548 is a very comprehensive measure affecting a number of phases of program operation and administration. The committee is to be commended for what I

believe to be a really successful effort to get to the basic problems and come up with solutions.

There are several features of the bill that I find particularly attractive:

First. For the first time we are asking that the States, from their own resources, provide some program money. The National School Lunch Act has always had a 3 to 1 matching requirement. The States are supposed to be providing from State and local sources \$3 for every \$1 they receive in Federal funds for the regular school lunch program. Aside from State funds for administration, only a handful of States have been providing money to help put that lunch on the table. For many years now, States have consistently more than met the matching requirement primarily through the counting of the children's payments for the lunch as a credit toward the matching requirement.

Utah, I am happy to say, is one State that does put a substantial sum of money into the program. This school year we are providing \$1,737,857 in State school lunch funds—almost 6 cents a meal. This does make a real difference. During the 1968-69 school year, 54 percent of Utah's schoolchildren participated in the lunch program compared with a national average of 39 percent.

S. 2548 would require that States provide funds from State revenues toward meeting the matching requirement. The level of State revenue to be provided would rise gradually until it constitutes 10 percent of the total matching requirement. No funds from children's luncheon payments or privately contributed funds of any kind could be included in computing the 10 percent.

Second. The proposed change in section 11 of the National School Lunch Act is really needed. At the present time, special assistance—higher rates of reimbursement per meal from Federal funds—is directed to schools drawing enrollment from low-income families. Now the focus is to be shifted to the needy child—the money will follow the child. This will go far to help relieve the impact on the paying child in schools that have an economic mix of poor, near poor and lower-middle-income children. Heretofore, the child who pays for his lunch also had to help pay for the lunch served to those in his school who could not afford the full price. This left the school in a real dilemma—price increases can quickly drive the paying child out of the program, leaving still less money to provide free meals for the poorest children. Everyone loses. The proposed new section 11 makes real sense to me.

Third. The committee has done an admirable job incorporating some flexible features that will permit testing of new ideas and new approaches to group food service for children; that will encourage efforts to improve nutrition education and training as an adjunct to the child feeding programs; that will enable States to use available funds where they are most needed.

Mr. President, we have by no means finished our task in child nutrition. The passage of this bill will make comprehensive statutory reforms, provide more adequate funding, and make the admin-

istrative changes necessary to help us meet this unfinished task. S. 2548 incorporates the best advice, the best thinking that has emerged from the intensive scrutiny of the child nutrition program over the past several years.

Its passage will move us toward that objective so eloquently expressed in the early sixties by Secretary of Agriculture Orville Freeman:

Never let it be said of this decade that we put a man on the moon but failed to put food in the mouths of hungry children.

Mr. MURPHY. Mr. President, I rise in support of S. 2548, a bill which would strengthen and improve our child feeding program under the School Lunch Act and the Child Nutrition Act of 1966.

I, of course, was pleased to have helped spotlight and stimulate the national focus on the hunger issue. In 1967, when the Poverty Subcommittee, on which I serve, was in Mississippi, we heard testimony that people were "starving." This was shocking to me, and I am sure to the American people. I immediately responded that if this were true, that an emergency situation existed, and that we should go directly to the President and get him to provide immediate emergency assistance. Well, the bureaucratic buckpassing that ensued in the last administration was unbelievable and is a matter of public record.

Mr. President, I am so pleased that such has not been the case under President Nixon's administration. President Nixon, believing as I do, that with America's agriculture abundance, no family—and particularly no child—should go hungry. The President's action in this regard shows his commitment to the cause of insuring proper food and nutrition to all our people.

Last Friday, the Senate passed H.R. 11651, a bill to provide temporary emergency assistance in order to provide nutritious meals to needy children. This bill, H.R. 11651, amended the National School Lunch Act and authorized the Secretary of Agriculture to transfer up to \$30 million to section 32 funds to allow California and other States to continue to serve lunches for the last 4 months of this school year.

Mr. James M. Hemphill, chief of the Bureau of Food Services of the Department of Education in California, has corresponded with me on the situation, and has advised me that unless the Congress acted, California would have "to cut back on our programs." According to Department of Agriculture figures, California, as of February 6, had requested \$569,236 for additional funds for free or reduced-price lunches, over amounts allocated for fiscal year 1970. I am hopeful that the passage of this emergency measure, H.R. 11651, will provide California with the needed assistance to move ahead.

The school lunch program began in the 1940's and it has been of great value in helping American children secure nutritional lunches. That is why I am so pleased to strongly support S. 2548, which would strengthen and improve food service programs for children under both the National School Lunch Act and the Child Nutrition Act of 1966. S. 2548, the bill being discussed in the Senate today, would:

First. Provide for advanced appropriations for child nutrition programs. As a member of the Education Subcommittee, I have been a supporter of the advanced funding concept in our education programs. The present practice of passing appropriations for a school year when the school year is well underway—or in the extreme example this year, when the school year is drawing to a close—creates administrative nightmares and certainly is not conducive to good education planning and programs or to the wise use of taxpayers' funds.

Second. Authorize \$25 million for fiscal year 1971, \$33 million for fiscal year 1972, \$75 for fiscal year 1973, and \$10 million for each succeeding year thereafter for nonfood assistance. This provides largely for equipment to help schools prepare and serve meals. One of the findings of recent studies on the school lunch program and other programs, as well as the committee's hearings on the subject, was that many schools, particularly older schools in the inner-city areas, lacked the cafeteria and kitchen equipment necessary to serve their youngsters. The thrust of these changes is to see that these schools do have the necessary equipment and to see that they have it as early as possible. This accounts for the higher appropriations in the earlier years so that the equipment can be secured, and then, as more and more schools secure the equipment, it is envisioned that the program will taper off.

Also a change is made under section 5 of the Child Nutrition Act to add another factor in the formula so that one-half of the funds under section 5 will be distributed on the basis of need for nonfood assistance. The other half of the funds under section 5 will continue to be distributed, as in the past, namely, on the basis of past participation and the assistance-need rate which is based on average per capita income in the various States.

Third. Authorize 1 percent of the appropriations under the National School Lunch Act and the Child Nutrition Act to be used for nutrition training and education. In addition to providing the necessary resources to feed our school children, it is important that nutrition education be included. Of course, this is essential for the cafeteria supervisors and workers, but it also is needed by the children themselves. For inculcating children in good nutritional habits has the immediate prospect of bringing about the improvement of diets in the homes of these children, and, of course, over the long run of making these children better parents and leaders subsequent to their departure from the school system.

Fourth. Require that State matching represent a portion of the local matching requirement under the regular lunch program. Under section 4 of the national school lunch program, Federal grants must be matched by three times as much in local funds. The major part of these local funds comes from children's payments for these lunches. For fiscal year 1972 and fiscal year 1973, States would be required to provide at least 4 percent of the State's total matching requirements from State funds. This percentage

increases 2 percent each succeeding year until State revenues make up 10 percent of the matching requirements for 1978. Thirteen States already provide more than 10 percent matching, and I am pleased that California is one of the States meeting these requirements. This is an important provision for it encourages State participation. It not only has the desirable effect of expanding the funds available to feed youngsters, but also, by taking advantage of the State's administrative abilities and leadership, it would improve the program.

Fifth. Prohibit the public identification of children who receive free or reduced-price lunches. Eligibility for free or reduced-price lunches would be determined by the local school authorities but in accordance with publicly announced policy. Eligibility criteria would include the consideration of family income, family size, and the number of children in the school.

Sixth. Revise section 11 of the National School Lunch Act so that special assistance funds would go under a formula that is derived from the Elementary and Secondary Education Act, which is based on the number of low-income children.

Seventh. Extend the special assistance program to all schools and change the formula for apportioning these funds under the special assistance program so that all needy children have access to the school lunch programs.

Eighth. Authorize the Secretary of Agriculture, where there is a severe need, to provide up to 80 percent of the operating cost, instead of the present restriction to food alone, to school lunch programs under the special assistance provisions of the bill.

Ninth. Authorize funds for special demonstration projects to improve the program methods and facilities.

Tenth. Finally, the bill would establish a 13-member National Advisory Council on Child Nutrition to make continuing studies of the child nutrition programs, so as to make certain they are as effective as possible.

Mr. President, the Agriculture Committee has reported a good measure to the full Senate. Senator TALMADGE, the subcommittee chairman, as well as Senator AIKEN, the ranking Republican on the committee, and Senator DOLE and other members of the committee, are to be congratulated for their outstanding work in connection with this measure. This measure, I am convinced, will provide the administration with the tools it needs to see that no American child goes hungry. I certainly will support the administration in this commitment and in this effort, and I am confident that this commitment, in cooperation with all levels of government and all sectors of our economy will be met.

Mr. President, I strongly urge enactment of this program.

IMPROVED CHILD FEEDING PROGRAMS NEEDED

Mr. HRUSKA. Mr. President, the bill we have before us, S. 2548, was closely and fully considered by the Senate Agriculture Committee. It has received a favorable report from that committee, and is strongly supported by the Nixon administration. The bill is designed to strength-

en and improve the food service programs provided for children, and it provides many significant and desirable features to help make the goal of eradicating hunger in our school-age children a reality.

It is my opinion, however, that the bill should have been passed in the form recommended by the committee without further amendments. The amendments which have been adopted are unwise and impractical. They impose requirements that go too far toward a wholly Federal program. The child feeding programs have always been a cooperative venture between the Federal, State, and local governments. Amendments that unduly and unnecessarily weaken this cooperation, for both funding and administration, are deplorable.

In balance, and after thoughtful consideration, I have decided to support the amended bill. The objectives and the improvements contained in the committee bill are sound and outweigh the inadvisable amendments.

President Nixon pledged in his special hunger message to Congress to put an "end to hunger in America." The national school lunch program, together with the child nutrition programs, offers a balanced and sound approach to improving the nutritional well-being of our growing schoolchildren. However, many children, particularly from poor families and from poor areas, are not receiving these benefits. To assist the President and the Secretary of Agriculture in meeting their commendable objective of ending hunger, the expansion and improvement of these child feeding programs is necessary.

The Agriculture Committee's report on this bill states that S. 2548 is designed to reach all children, "particularly those from poor economic areas whose need is greatest." That is certainly where the problem of hungry children is most severe. It has been estimated that 6.5 million children need a free or reduced price lunch, but the Department of Agriculture could reach only 3.5 million of those children in fiscal 1969. More are being reached during this current fiscal year, but changes proposed in this bill for the school lunch and child nutrition programs will more effectively insure that all needy children in school may be provided with nourishing meals.

One of the objects of S. 2548 is to see that the funds under the programs will go wherever the poor children are. The reported bill provides that special assistance funds go to schools according to their need for assistance in providing free and reduced-price lunches. The bill would authorize the Secretary of Agriculture in circumstances of severe need, where necessary to provide for an effective school lunch program, to authorize assistance of up to 80 percent of program operating costs, including preparation and serving costs. This provision is needed because some areas are too poor to support the program, even though they receive substantial help for food alone.

Mr. President, I am told that in recent years the school lunch program alone helped to feed about 20 million children in nearly 76,000 schools in all parts of the country. About 3.5 billion meals were

served annually through this program. This is a magnificent accomplishment, and deserves the highest of praise from all thoughtful people concerned about hunger and malnutrition. The 23-year history of this program has shown it to have been a commendable investment in our Nation's greatest asset—our children. It has also been a model of Federal, State, and local cooperation.

The child nutrition programs, by providing for school breakfast programs, preschool and summer recreation feeding programs, have been a valuable addition to the Nation's efforts to provide nourishment to the needy children of America. About 400,000 children were reached last year in the summer recreation program, and about 100,000 children were provided with meals in the day-care program. These programs have been very effective and helpful, but there is much more that can be done.

Let us join in support of this bill to continue the progress toward fulfilling the intent of Congress when it passed the National School Lunch Act in 1946, "to safeguard the health and well-being of the Nation's children." Let us join President Nixon in his goal of ending hunger. Let us insure the necessary food and nutrition for our children to promote their fullest mental and physical growth.

Mr. President, I urge my colleagues to pass this bill, despite the objectionable features which have been adopted on the floor.

Mr. TALMADGE. Mr. President, I ask for the third reading of the bill.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. MANSFIELD. I yield back the remaining time.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the Committee on Agriculture and Forestry be discharged from the further consideration of H.R. 515 and that the Senate proceed to the immediate consideration of H.R. 515.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities relating to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the program, and otherwise to strengthen the food service programs for children in schools and service institutions.

The PRESIDING OFFICER. Without objection, the committee will be dis-

charged, and the Senate will proceed to consider the bill.

Mr. TALMADGE. Mr. President, I ask unanimous consent that H.R. 515 be amended by striking out all after the enacting clause and inserting the text of S. 2548, as amended.

The PRESIDING OFFICER. The question is on agreeing to the motion to strike out all after the enacting clause of H.R. 515 and to insert in lieu thereof the text of S. 2548 as agreed to by the Senate.

The motion was agreed to.

The question is on agreeing to the amendment in the nature of a substitute.

The amendment was agreed to.

The PRESIDING OFFICER (Mr. CRANSTON in the chair). The question now is on the engrossment of the amendment and the third reading of H.R. 515.

The amendment was ordered to be engrossed and the bill (H.R. 515) to be read a third time.

The bill was read the third time.

Mr. MANSFIELD. I ask for the yeas and nays on passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Alabama (Mr. SPARKMAN), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH) is absent on official business.

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Wyoming (Mr. MCGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Alabama (Mr. SPARKMAN), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Michigan (Mr. GRIFFIN) is necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Ohio (Mr. SAXBE), is absent on official business.

The Senator from Texas (Mr. TOWER), is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

The result was announced—yeas 85, nays 0, as follows:

[No. 58 Leg.]

YEAS—85

Aiken	Fulbright	Murphy
Allen	Goldwater	Muskie
Allott	Goodell	Nelson
Anderson	Gore	Packwood
Baker	Gravel	Pastore
Bayh	Gurney	Pearson
Bellmon	Hansen	Pell
Bennett	Harris	Percy
Bible	Hart	Prouty
Boggs	Hartke	Proxmire
Brooke	Hatfield	Randolph
Burdick	Holland	Ribicoff
Byrd, Va.	Hollings	Russell
Byrd, W. Va.	Hruska	Schweiker
Cannon	Hughes	Scott
Case	Inouye	Smith, Maine
Cook	Jackson	Smith, Ill.
Cooper	Javits	Spong
Cotton	Jordan, N.C.	Stennis
Cranston	Jordan, Idaho	Stevens
Curtis	Magnuson	Symington
Dole	Mansfield	Talmadge
Dominick	Mathias	Thurmond
Eagleton	McClellan	Williams, N.J.
Eastland	McGovern	Williams, Del.
Ellender	Miller	Young, N. Dak.
Ervin	Mondale	Young, Ohio
Fannin	Montoya	
Fong	Moss	

NAYS—0

NOT VOTING—15

Church	McCarthy	Saxbe
Dodd	McGee	Sparkman
Griffin	McIntyre	Tower
Kennedy	Metcalfe	Tydings
Long	Mundt	Yarborough

So the bill (H.R. 515) was passed.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HOLLAND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that S. 2548 be indefinitely postponed.

The PRESIDING OFFICER. Without objection, S. 2548 is indefinitely postponed.

Mr. MANSFIELD. Mr. President, I rise to pay a well-deserved tribute to the distinguished Senator from Georgia (Mr. TALMADGE). His management of the extremely important school lunch measure was a monumental task. Wrestling with the complexities of providing proper food and aid to needy schoolchildren of our Nation is a matter of the greatest priority. There is not a single Member of this body who understands better the problems involved with the administration of such a program than Senator TALMADGE. We appreciate very much his guidance and his thoughtful views, his strong efforts, and his great devotion.

Working closely with Senator TALMADGE was the ranking minority member of the Senate Agriculture Committee, the able and distinguished senior Senator from Vermont (Mr. AIKEN). He, too, played a major role in enlightening the Senate regarding the ramifications of the measure and aided immensely in its expeditious disposition. Senator AIKEN brought to us the benefit of his great knowledge gained through the many years he has overseen not only the school lunch program but the entire farm policy of the United States.

The distinguished Senator from South Dakota (Mr. McGOVERN) deserves special commendation for urging so successfully his own strong and sincere views. He contributed greatly to the overall high quality of the debate and his amendments exhibited a keen insight into the problems of hungry schoolchildren. He is to be congratulated.

The very able chairman of the Senate Agriculture Committee is also to be commended for his contributions on this measure. Because of his efforts both in committee and on the floor, the Senate backed the bill unanimously in its final passage. Also assisting in explaining and guiding the measure through the Senate was the senior Senator from New York (Mr. JAVITS). As always his incisive views aided greatly the orderly discussion and we are most grateful.

The Senate as a whole may be proud of the manner in which it attended to its duties in regard to this bill and I wish to commend all who worked to make this measure so successful.

Mr. HOLLAND. Mr. President, I voted for the school lunch program which just passed the Senate. I did so with regret as to some of the details included in the bill.

I am impelled to vote for the bill for two principal reasons.

First, I have always supported the school lunch program. I think that it is a fine program and that it should be continued.

Second, the distinguished Senator from Georgia (Mr. TALMADGE) has spent many months of work in an effort to improve that program. Many details of his work which will improve the program remain in the bill.

I want to make it very clear, however, that my votes on the various amendments agreed to on the floor of the Senate by very close votes express my convictions as to those particular details which I regret have been placed in the bill.

I would hope that the other body would correct those details or that they can be corrected in conference. And I would very much hope that the bill not become law or not go to the White House in the form in which we originally passed it.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on February 20, 1970, the President had approved and signed the act (S. 2214) to exempt potatoes for processing from marketing orders.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

EXECUTIVE MANSION AND FOREIGN EMBASSY PROTECTION FORCE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 652, H.R. 14944.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 14944) to authorize an adequate force for the protection of the Executive Mansion and foreign embassies, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

Mr. RANDOLPH. Mr. President, as we approach the consideration of H.R. 14944, I am grateful for the presence in the Chamber of the able ranking minority member of the Senate Public Works Committee, the Senator from Kentucky (Mr. COOPER). Later in the discussion of this measure, we will have the chairman of our Subcommittee on Public Buildings and Grounds, the able Senator from North Carolina (Mr. JORDAN), with us. He is temporarily absent from the Chamber on other business.

I will proceed, as the chairman of the Public Works Committee, to discuss the measure prior to his returning to the floor, at which time he and other members of our committee and other Members of the Senate, as well, will have comments on the measure.

The pending bill was reported from the Committee on Public Works after it had passed the House of Representatives by a very substantial majority.

The legislation would amend chapter 3 of title 3 of the United States Code, which authorizes a police force for the White House and the grounds thereof. These amendments would change the name of the force to the "Executive Protective Service."

The purpose of the legislation will be to place the force under the direction of the U.S. Secret Service.

It will also increase the scope of the duties of the force to include protection of foreign diplomatic missions located in the metropolitan area of the District of Columbia and such other areas of the United States, its territories and possessions, as the President of the United States, on a case-by-case basis, may direct and will increase the size of the new executive protective service. This increase would go to 850 members.

I think it is important as we consider this legislation to realize that the responsibility for the security of foreign diplomatic mission is a Federal responsibility. Sometimes this is forgotten as we discuss this question. The President of the United States, as a part of his constitutional responsibility for the conduct of this country's relations with foreign governments, is responsible for assuring to the duly accredited representatives of foreign governments to the United States the same security of persons and property that the laws of this Nation assure to our own citizens.

Also, under international law and

practice this protection is an obligation of the Central Government. Protection is afforded American embassies in foreign countries by the central government in the countries in which our embassies are located. We are certainly well aware of the incidence of unrest and lawlessness which infects much of the world today, including our own country, and about which our distinguished majority leader (Mr. MANSFIELD) spoke in such moving language just a few days ago.

We are conscious of this problem and we realize that the institutions which were formerly relatively immune to such criminal activities are, in a sense, the focal point today for the disturbances, demonstrations, and disruptiveness that occurs. It occurs to our embassies in other countries, and it is documented. It occurs to embassies located in the District of Columbia. I think there was a time when embassies in the Nation's Capital were, in a sense, almost to be considered off limits by the criminal element. In other words, they were thought of, in a sense, as sacred ground, but this is no longer true. So the criminal tide advances upon the embassies as it advances on the homes of persons living in the District of Columbia or the businesses of persons attempting to make a gainful living through legitimate enterprise in the District of Columbia.

We have been informed—the Senator from Kentucky and other Senators will affirm this fact—that the Foreign Diplomatic Corps has repeatedly petitioned the State Department and the Office of the President for increased protection. The reason they asked for this protection is, of course, because of the high incidence of crime directed at foreign embassies and the personnel of those embassies. Because of this increase in the crime rate and this current persistence of protest and violence, the President of the United States has become increasingly concerned as have other Governmental officials.

In fact, the citizens of this country, not only those who live in the District of Columbia, but those living throughout our respective States, are concerned over the problem of security involving foreign diplomatic missions and the possible adverse effect on our own foreign relations which could result if the Federal Government of the United States fails to discharge its obligation to provide adequate security for these missions.

At the present time there are 117 foreign missions in the immediate metropolitan area of the District of Columbia. At the present time the protection of these missions is the responsibility of the Metropolitan Police Department or the other local police departments, if they are located in nearby Maryland or Virginia.

Due to the very heavy responsibility and demands placed on the Metropolitan Police force for protection of the general public, this police force apparently is unable to provide the amount and type of security that the foreign missions and their personnel believe they should have. It is not an easy problem, and it is not one that has a solution ready made, but it is one we attempt today by this legis-



DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of April 23, 1970
91st-2nd; No. 61

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HIGHLIGHTS: Both Houses appointed conferees on school lunch bill. Both Houses received President's disaster relief message. Rep. Conte inserted list of ASC committeemen receiving subsidy payments. Senate committee reported bill to extend boundaries of Toiyable National Forest. Sen. Cooper and others introduced and discussed disaster relief bill.

HOUSE

1. **SCHOOL LUNCH.** Both Houses appointed conferees on H. R. 515, to strengthen and improve the food service programs under the National School Lunch Act and the Child Nutrition Act of 1966. pp. H3369, S6101
2. **DISASTER RELIEF.** Both Houses received from the President a message containing legislative proposals for 1970 disaster relief programs, and a message transmitting a report, "Report on Federal Disaster Assistance in 1969"; (H. Doc. No. 91-323 and H. Doc. 91-325); to Committee of the Whole House on the State of the Union and Public Works Committee. pp. S6037-9, H3371-4

3. SELECTIVE SERVICE. Both Houses received the President's selective service message proposing immediate as well as long-range reform of the selective service laws (H. Doc. 91-324); to Armed Services Committees. pp. H3374-6, S6040-1

Received from the Director of Selective Service a draft of proposed legislation to amend the Military Selective Service Act of 1967; to Armed Services Committee. p. H3444

4. APPROPRIATIONS. Received from the President proposed supplemental appropriations and other provisions for the fiscal year 1970 in indefinite amounts in budget authority for authorized civilian and military pay increases of the Government (H. Doc. 322); to Appropriations Committee. p. H3444

5. QUARANTINE STATION. Concurred in Senate amendment to S. 2306, providing for the establishment of an international quarantine station. This bill will now be sent to the President. pp. H3369-70

6. RECLAMATION. Conferees were appointed on S. 2062, administration of acreage limitation of Federal reclamation laws and on S. 743, the Touchet division, Walla Walla project, Oreg.-Wash.. p. H3369

7. SUBSIDY PAYMENTS. Rep. Conte inserted a list of ASC committeemen who hold interests in farms which received subsidy payments, and stated that the list "provides a striking illustration of the reason why the Department of Agriculture has consistently opposed all meaningful efforts to eliminate the scandal of huge farm subsidy payments." pp. H3426-7

8. LANDS; FIREFIGHTERS. Received from Interior proposed legislation to authorize the Secretary of the Interior to enter into contracts for the protection of public lands from fires, in advance of appropriations therefor, and to twice renew such contracts; to Interior and Insular Affairs Committee. p. H3445

9. AIR POLLUTION. The "Daily Digest" states that the Interstate and Foreign Commerce Subcommittee on Public Health and Welfare approved a clean bill on the Clean Air Act. p. D393

10. ECONOMY. Rep. Fulton, Tenn., criticized the continued use of high interest rates to fight inflation and suggested that "there are other tools available to the administration." p. H3425

11. ADJOURNED until Mon., April 27. p. H3444

SENATE

12. ARBOR DAY. Passed without amendment H. J. Res. 251, to authorize the President to proclaim the last Friday of April of 1970 "National Arbor Day (p. S6112). This bill now goes to the President. The bill had been reported earlier in the day (S. Report No. 91-790). p. S6082

Sen. Hruska hailed the 98th Annual Arbor Day Celebration in Nebr. and inserted an article honoring former Secretary of Agriculture Morton. pp. S6077-8

AMENDMENT OF NATIONAL SCHOOL LUNCH ACT AND CHILD NUTRITION ACT OF 1966

Mr. HARRIS. Mr. President, on behalf of the Senator from Georgia (Mr. TALMADGE), I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 515.

The PRESIDING OFFICER (Mr. SAXBE) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HARRIS. I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ELLENDER, Mr. TALMADGE, Mr. McGOVERN, Mr. ARKEN, and Mr. YOUNG of North Dakota conferees on the part of the Senate.

INDIAN HEALTH IS A NATIONAL SHAME

Mr. HARRIS. Mr. President, I ask unanimous consent that I may proceed for 15 minutes.

The PRESIDING OFFICER (Mr. PERCY). Without objection, it is so ordered.

Mr. HARRIS. Mr. President, Senators are aware that America, generally, faces a well-documented health crisis, characterized by a severe and growing shortage of health personnel and by such alarming facts as those which show that America stands twelfth or worse among nations in infant mortality and compares even less favorably with other nations in average life expectancy.

If America, generally, faces a health crisis, think, then, how much more acute that crisis presently is for American Indians, Eskimos, and Aleuts.

One who is not familiar with the sad state of the health of American Indians might consider the administration's proposed increase of \$11,688,000 for the Indian Health Service for 1971, over the amount appropriated last year, a significant step forward. Given increased costs, however, that amount of money—providing a proposed budget total of \$113,217,000—will only allow the Indian Health Service to continue the present level of its tragically inadequate health care.

Most Americans have begun to recognize the injustices suffered by American Indians in the past. But more and more Americans must also begin to realize that injustices and broken promises are still suffered by American Indians—that pres-

ent and past injustices have produced terribly damaging and lingering impact.

The level of health of American Indians, Eskimos, and Aleuts lags 20 to 25 years behind the health advances of the general population in America—and we have seen that this, itself, is highly unsatisfactory. The average age of death for American Indians is 44 years of age, about one-third less than the national average of 64. American Indians are 8 times as likely to suffer from tuberculosis as the rest of us, and deaths due to influenza and pneumonia are nearly 2½ times higher for American Indians. There are 3½ times as many homicides and 2 times as many suicides among American Indians as there are among the general population.

If one is an American Indian, he is 10 times more likely to suffer from rheumatic fever, strep throat, and hepatitis. The incidence of otitis media, a middle ear disease which leaves hearing impaired, is far more prevalent among American Indians than among any other people in our society.

Twenty-eight percent of all Indian homes still lack running water and an adequate means of waste disposal. The average American Indian family of five or six members still lives in a one- or two-room house, and only about 24 percent of the dental care needs of American Indians are being met.

In September of last year, representatives from several tribes came to Washington to seek increased funds for Indian health. The story they told was shocking and almost unbelievable, confirming the facts and figures which I have just related.

That story has not basically changed since September of last year and will not change unless our commitment is greater than that demonstrated by the proposed 1971 administration budget. Statutory increases in salaries and rising costs for contract medical care will alone absorb most of the increase provided for in the 1971 budget.

Because of personnel shortages, it is not uncommon for one nurse in an Indian hospital to be responsible for more than one floor. Members of a patient's family, untrained in medical care, often have to be called upon to assist.

Physicians in Indian hospitals frequently have an impossible patient load, and those physicians going to field stations or clinics see as many as 80 patients a day. One physician at an Indian hospital in Oklahoma has a patient load which allows him only 3 minutes per patient per day. The result is long lines and degrading treatment.

The Indian Health Service estimates that outpatient visits for the past 2 years have increased 6 to 7 percent a year, but there has been no provision for any staff increase in the past 2 years. In fact, since expenditure controls were implemented in 1968, there has been a decrease in personnel working in the Indian Health Service—218 vital positions in the hospital health activity of the Service have been lost.

It is estimated by the Indian Health Service that, in order to meet the staffing requirements for Indian hospital facilities, 225 to 250 employees are needed for

each 100 average daily patients hospitalized, and that 120 employees are required for each 100,000 outpatient visits. In fact, however, in 1968 the Indian Health Service was staffed with only 165 employees for each 100 average daily patients and with only 47.8 employees for each 100,000 outpatient visits.

Along with shortages of personnel, most of the Indian hospitals have serious drug shortages. Last month, an Indian hospital in Oklahoma chosen at random was telephoned by my office to determine its needs for drugs and supplies.

The administration of the hospital reported:

We have in the past run out of essential antibiotics—penicillin, ampicillin injectible, tranquilizers, such as the anti-depressant, librium, and analgesics (pain relievers), as well as Darvon and aspirin on occasions. At the present time we are completely out of Fiorinal—dentists use this for pain from extractions.

Essidrix, which is a diuretic most essential for removal of fluid from the body, is often not in stock. From time to time, we have run out of birth control pills.

At the present time there are no baby vitamin drops and they have not had any for at least one month. On occasions we have run out of cough syrup. Also, a very inexpensive item, sodium salicylate, used for rheumatoid arthritis is often out of stock as well as Indocin which is a more expensive drug used for rheumatoid arthritis.

The hospital stockroom would need \$18,000 in order to bring their stock up to a safety stock. These items are surgical items such as sutures, examination gowns, gloves, x-ray film, band-aids, bandages, paper towels, and other items. In the past we have had to give diabetics reusable syringes because they did not have disposable syringes.

Our basic problem is that we cannot obtain sufficient supplies so as not to run out before we can get funds to replenish the supply.

At present we have a shortage of approximately twenty-one people in the hospital and the lack of help has required a lot of unpaid overtime on the part of the whole staff in order to care for the sick.

Earlier reports from other hospitals in Oklahoma indicated that testing for tuberculosis had from time to time been discontinued because necessary supplies were not available. Last year, influenza shots could not be given to more than 600 Indian students at Chilocco Indian School because the vaccine was not available. Almost all of the hospitals were sometimes either low in supply or out of many of the basic and needed drugs.

With the tremendous increase in medical costs, the increases in the Indian Health Service appropriations have not really resulted in increases in the level of care. In 1968, the appropriation was \$84,862,000; in 1969, the appropriation was \$91,710,000; in 1970, the appropriation was \$101,529,000; and in 1971, the budget request is \$113,217,000. This is a percentage increase from 1968 to 1971, of approximately 33 percent, yet the cost of providing the same medical care by the Indian Health Service has increased approximately 34 percent during the same period.

There is little hope that any significant changes will occur in the shameful statistics I have recited or that the pathetic lack of personnel and drugs in the

Indian hospitals will be materially improved unless there is a substantial increase in funds.

As the Indian members of the National Council on Indian Opportunity stated February 16, 1970:

In light of the dire need for all health facilities and health needs, it is criminal to impose a personnel and budget freeze on Indian health programs. Even without a freeze, Indian hospitals are woefully understaffed and under supplied, even to the extent of lacking basic equipment and medicine. We deplore the budget decisions that have caused this state of inadequacy.

The crisis we are facing will not be solved by the level of commitment we have thus far been willing to make. Because the situation is as grave as it is, established not only by statistics, but also by the strong words of tribal representatives and by my own personal research to which I have referred, I think a thorough investigation should be made of all Indian health facilities and programs, not for the purpose of determining what is necessary to continue operating at our present inadequate levels, but to determine how we can bring the level of health care of American Indians up to a decent level.

I do not advocate some long, drawn-out study. American Indians and their needs have been studied to death. It is time for action, and no field of concern requires more urgent action than the health of American Indians. It would be an easy matter to call Indian Health Service and other officials before the Subcommittee on Interior of the Senate Appropriations Committee and learn almost overnight the detailed justifications for greatly increased appropriations for this purpose. I urge that this be done.

The jurisdictional disputes between the Indian Health Service and the U.S. Public Health Service must end. American Indians are American citizens and are entitled to all the services of their Government. Indian health services must be extended into the communities where Indian people live, rather than, as is often true, just at far away hospital locations. Indian hospitals should be governed by Indian hospital boards with actual, not just advisory, authority. And a national health insurance system for all, Indians and non-Indians, must be established. The National Council on Indian Opportunity stressed these recommendations.

Emphasizing, as I do, that nothing less than a quantum jump upward in appropriations for Indian health will suffice to meet the crying needs, I want to point out some obvious steps which can be taken immediately to improve the 1971 administration budget. I trust and hope that, before the 1971 budget is finally processed by Congress, the Appropriations Committee will have an opportunity to secure the necessary information and figures to add other and more substantial items to it.

First, additional personnel in the Indian health field is an extremely pressing need. Last year, in the closing days of the session, the Senate adopted an amendment which I offered to add \$2

million to the supplemental appropriations bill for Indian health programs, in addition to \$1 million already contained in the bill for that purpose.

The conference between the House and Senate reduced this \$3 million figure to \$2,048,000, of which \$1,048,000 was to be used to provide 300 desperately needed additional positions in Indian hospitals. Instead, the administration used these funds to extend last year's Federal pay raise to Indian health service personnel. Obviously, this should have been done, but not at the expense of Indian health. The personnel shortage, therefore, continues and worsens.

Moreover, even though Congress last year clearly recognized the need for these 300 additional positions, the administration budget for 1971 does not contain funds for such additional Indian health positions. Funds are requested for 178 new positions, but of this number 100 would staff new facilities and 40 would be positions in nutrition and mental health programs. These new positions are needed, but additional such staffing does nothing to alleviate the basic shortage in personnel generally. One Oklahoma hospital alone has a shortage of 21 employees that are critically needed.

I believe the case for at least these additional 300 positions has been overwhelmingly proved. To many American Indians it is a life and death matter, and I think it is clearly our duty to respond to the plain facts. Testimony which has already been presented to the Senate Appropriations Subcommittee established that, because of the shortage of personnel, treatment of the health problems of many Indians is being "deferred." It is intolerable that because of a lack of funds some Indian hospitals have had to adopt a policy of treating only the most serious health problems, those which cannot be ignored and which require immediate treatment.

To provide the 300 positions for fiscal year 1971 would only cost approximately \$2,514,000, a small sum in relation to the need and to the resources of this Nation.

Second, funds should be increased to provide the basic and needed drugs for Indian hospitals. The appalling set of conditions which I have outlined ought not to be allowed to continue for one additional day. The severity of these problems was recently called to the attention of the President in a letter signed by 90 Members of Congress, myself included. Shortly thereafter, the President released \$957,000, which had been held in reserve from the 1970 Labor-HEW appropriation for this purpose.

Notwithstanding the fact that the need for at least this \$957,000 in additional funds to help meet the shortage of critical drugs and supplies was thus established, even this inadequate amount of \$957,000 was nevertheless not carried forward in the 1971 administration budget. I therefore strongly recommend that this serious defect in the budget be corrected.

Third, I recommend that the appropriation to improve the sanitation facilities for Indian communities be increased, rather than decreased, from \$19,120,792 for 1970 to \$17,950,000 for 1971, as the administration budget recommends.

The undisputed fact that lack of safe water and adequate waste facilities contributes greatly to gastroenteritis, which is second among the reportable diseases for Indians, and to amoebic and bacillary dysentery, which is 35 times worse among American Indians than in the general population, demands that we give these problems high priority. Twenty-five percent of all patients discharged from Indian hospitals last year were treated for infectious diseases which could be traced to poor sanitation.

The death rate for American Indian infants 1 through 11 months of age is 3 times the death rate of the same age groups in the general population, and this sad situation is largely attributable to poor living conditions.

I recommend an increase of \$5 million for the sanitation program for fiscal year 1971.

A fourth recommendation is that the U.S. Government begin really to attack the tragic situation in regard to Indian mental health services. Much has been written to explain how the pressures of the reservations, with ways often at variance from those of the white man's world, have led to mental health problems in the Indian population far in excess of those of other citizens on a proportionate basis, but next to nothing has been done about treating them.

The high rate of suicide and homicide, as well as the problem of alcoholism, are all symptoms of the deeper failures in American policy toward American Indians; we must correct these failures and not just treat them symptoms. But we must also give greater and immediate attention to the problems of mental health. Only \$984,000 is provided for this purpose in the 1971 administration budget. An increase of only \$404,000 is requested, but the Indian Health Service estimates that before a good program can be offered an additional \$1 million would be needed. The enormity of this problem justifies at a minimum an increase of \$1 million to provide additional mental health care.

Fifth, we need to increase the funds for community health representatives. There is no way to meet the alarming shortage of health personnel in America, generally, except by greatly increasing the use of paramedical and subprofessional people. This is especially true in the Indian Health Service. While community health representatives cannot take the place of professionals, nor fully answer the great need for increased professional personnel, they can take up a great deal of the slack. Moreover, community health representatives can help to humanize Indian health programs, make them more responsive to the needs of the people whom they seek to serve, and help bring such services to the people.

It is sad enough that this program only provided for training 125 community health representatives in 1970. It is even sadder that the 1971 administration budget reduces this figure to 100 trainees for 1971; \$282,000, added to the 1971 administration budget, would enable training to continue for all those presently in training and permit the addition of another 25 trainees. These num-

House of Representatives

THURSDAY, APRIL 23, 1970

The House met at 12 o'clock noon.

Rev. C. R. Walker, First Baptist Church, Marion, Ill., offered the following prayer:

God of our fathers, and our God, God of this Nation and all nations, we bow before Thee with grateful hearts for our many blessings. We thank Thee for this great Nation with all its resources, opportunities, and people. Give to us a spirit within to match the resources without.

As we confront the problems of this day, grant us the grace and courage to seek first the kingdom of God that we may be enriched in our Nation with a great spiritual heritage. Then make us humble in the acceptance of that heritage.

Instill the moral integrity and courage in these our leaders to stand for the hard right against any easy or expedient wrong that might seem attractive.

In Jesus' name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Tuesday, April 21, 1970, was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on April 15, 1970, the President approved and signed a bill of the House of the following title:

On April 15, 1970:

H.R. 11612. An act to amend the District of Columbia Bail Agency Act to provide additional funds for the District of Columbia Bail Agency for fiscal year 1970.

THE REVEREND C. R. WALKER

(Mr. GRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAY. Mr. Speaker, I deeply appreciate your courtesy in recognizing me at this time. I wish to thank you, Mr. Speaker, and Dr. Latch, our beloved Chaplain of the House of Representatives, for permitting one of southern Illinois' finest ministers, the Reverend C. R. Walker, pastor of the First Baptist Church of Marion, Ill., to give the invocation today.

Mr. Speaker, I wish to point out the fact that in our busy lives so many times we overlook the great work done by our spiritual leaders. I again want to thank you and our beloved Chaplain of the House, Dr. Latch, for giving us the opportunity of bringing in from our congressional districts these able servants of His service royale to help us in our spir-

itual guidance. Reverend Walker is a lifelong friend and is a leader in his own right. He does this great body honor by his presence.

APPOINTMENT OF CONFEREES ON S. 2062, ADMINISTRATION OF ACREAGE LIMITATION OF FEDERAL RECLAMATION LAW

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2062) to provide for the differentiation between private and public ownership of lands in the administration of the acreage limitation provisions of Federal reclamation law, and for other purposes, with House amendments thereto, insist on the House amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, JOHNSON of California, FOLEY, HOSMER, and MCCLURE.

APPOINTMENT OF CONFEREES ON S. 743, TOUCHET DIVISION, WALLA WALLA PROJECT, OREGON-WASHINGTON

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 743) to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet division, Walla Walla project, Oregon-Washington, and for other purposes, with House amendments thereto, insist on the House amendments and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Colorado? The Chair hears none, and appoints the following conferees: Messrs. ASPINALL, JOHNSON of California, FOLEY, HOSMER, and BURTON of Utah.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE REPORT ON H.R. 17123, MILITARY PROCUREMENT AUTHORIZATIONS, 1971, UNTIL MIDNIGHT FRIDAY

Mr. PRICE of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services may have until midnight Friday to file a report on the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Re-

serve of each Reserve component of the Armed Forces, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 515, TO AMEND THE NATIONAL SCHOOL LUNCH ACT AND THE CHILD NUTRITION ACT OF 1966

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. ARENDS. Mr. Speaker, reserving the right to object, am I correct in my understanding that this has been cleared with the ranking minority member of the committee, and that he is totally in agreement with the conference?

Mr. PERKINS. The gentleman is absolutely correct.

Mr. ARENDS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. PERKINS, PUCINSKI, WILLIAM D. FORD, AYRES, and QUIE.

PROVIDING FOR THE ESTABLISHMENT OF AN INTERNATIONAL QUARANTINE STATION

Mr. POAGE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 2306) to provide for the establishment of an international quarantine station and to permit the entry therein of animals from any country and the subsequent movement of such animals into other parts of the United States for purposes of improving livestock breeds, and for other purposes, with a Senate amendment to the House amendment thereto, and concur in the Senate amendment to the House amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendment, as follows:

Page 3, line 12, of the House engrossed amendment, strike out "and the Virgin Islands," and insert: ", Guam, and the Virgin Islands, contrary to the conditions prescribed by the Secretary in regulations issued hereunder."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendment to the House amendment was concurred in.

A motion to reconsider was laid on the table.

JUNK MAIL POLLUTION

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HECHLER of West Virginia. Mr. Speaker, junk mail pollution is a major contributor to the ecological crisis on which this Nation is focusing attention this week.

To begin with, millions of trees must be cut down to produce all the junk which crams your mailbox, bends the backs of the letter carriers, and adds to the burdens of the taxpayers. Second, all these gimmicks, contests, prizes, and pressures used by junk mail are only designed to force the purchase of more and more items which add to the solid waste disposal problem. Then the trash has to be burned, thereby polluting the air.

We must wake up and realize that progress can no longer be measured in the sheer quantity of goods produced. The quality of American life and the protection of our environment are higher goals which must be accorded higher priority.

The junk mail lawyers and lobbyists have now been joined by the accountants who are now trying to prove that junk mail does pay its way. This mumbo-jumbo of the accountants avoids the main issue which is that junk mail pollution is a threat to the quality of American life and a threat to our environment. Junk mail is such an outrageous nuisance that a heavy nuisance tax should be placed on junk mailers for insulting the American people by deluging them with millions of pieces of unwanted junk every day.

Let us end junk pollution. You get fined if you throw litter on somebody else's front lawn; what about littering people's mailboxes?

(Mr. GUDE asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

[Mr. GUDE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

RULES OF DESTRUCTION

(Mr. TEAGUE of California asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. TEAGUE of California. Mr. Speaker, I call to the attention of my colleagues an excellent editorial which appeared in the Santa Maria, Calif. Times. It is as follows:

[From the Santa Maria, Calif. Times, Apr. 17, 1970]

RULES OF DESTRUCTION

We received a note from a woman this week in which she enclosed an interesting bulletin which shows how long and in what manner Communism has aimed at our destruction.

The bulletin noted that in 1919 allied forces obtained some Communist rules for revolution. As you read the rules, think about the conditions in the country today and consider the rules in relation to those conditions.

We quote the Red rules.

A. Corrupt the young, get them interested in sex. Make them superficial; destroy their ruggedness.

B. Get control of all means of publicity, thereby get people's minds off their government by focusing their attention on athletics, sexy books and plays and other trivialities.

C. Divide the people into hostile groups by constantly harping on controversial matters of no importance.

D. Destroy the people's faith in their natural leaders by holding them up to contempt and ridicule.

E. Always preach true Democracy, but seize power as fast and as ruthlessly as possible.

F. By encouraging government extravagance, destroy its credit, produce fear of inflation with rising prices and general discontent.

G. Promote unnecessary strikes in vital industries, encourage civil disorders and foster a lenient and soft attitude on the government toward such disorders.

H. By spacious argument cause breakdown of the moral virtues, honesty, sobriety, continence, faith in the pledged word.

I. Cause the registration of all firearms on some pretext, with a view to confiscating them and leaving the population helpless.

The note, sent by Jane Tackitt of Nipomo, ended with the comment, "My prayer for the nation is that young people wake up and see how they are being used, and then strike back for America."

We concur, emphatically.

DATE PERISHABLE PACKAGED FOODS FOR BENEFIT OF CONSUMER

(Mr. MINSHALL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MINSHALL. Mr. Speaker, it is time to break the code on food products, to date-stamp them so that shoppers will know whether the canned and packaged goods on their grocers' shelves are outdated.

The average housewife does not have the time to become a cryptanalyst, deciphering these often hard-to-find, and usually impossible to understand, coded date stamps on perishable products.

Surveys have revealed that such coded dates, placed there for the benefit of store employees to indicate when perishable products should be removed from sale, may consist of a short series of numbers, a series of letters, or both, and that they may indicate either the pack-

aging date or the last day of "shelf life" of the product.

The food industry should let the most important involved—the consumer—know the truth about the last usable date of any perishable product. There should not be any secret about the freshness of our food. The bill I am introducing today would require that all perishable or semiperishable foods be clearly labeled as to expiration date and would include all meat, poultry, fish, dairy products, eggs, fruit, vegetables, bread, coffee, or any other foods the Secretary of Health, Education, and Welfare may designate as perishable or semiperishable.

HAPPY EARTHDAY

(Mr. DEVINE asked and was given permission to address the House for 1 minute.)

Mr. DEVINE. Mr. Speaker, yesterday was Earth Day and the emphasis was on our environment, what we can do to preserve it, to clean it up, to keep it livable.

Many different groups were involved in programs yesterday at many schools and many different places across the Nation. People make debris, and the same people are primarily responsible for cleaning it up.

Hopefully, this was the start of a real, long range effort by people, by civic groups, by business and by government at all levels to make our world a better place in which to live.

Hopefully, this is not just the latest fad of young people, tired of marching and demonstrating in other causes, hopefully, it is not just another gimmick perpetrated by ambitious politicians or a worried people.

There is no doubt today that man has fouled large segments of his planet pretty thoroughly. We have dirtied the air, we have polluted the water, and we have cluttered the landscape.

Fortunately, it is not too late to do something about it. Certainly this Republican administration recognizes that fact and has called for action on many fronts.

I would hope this Congress would also take up the challenge seriously and approve the programs that are necessary to do the job. If we do not join with the President in taking the necessary leadership, we cannot ask the people of America to join in the task that must be done.

MAKE IT UNPROFITABLE FOR BUSINESS OR GOVERNMENT TO POLLUTE OUR ENVIRONMENT

(Mr. WEICKER asked and was given permission to address the House for 1 minute.)

Mr. WEICKER. Mr. Speaker, it is my hope that those groups and individuals that yesterday celebrated Earth Day will make a positive contribution for years to the cause of cleaning up our environment.

It is easy to place the blame for pollution, much easier than it is to enunciate practical cures.

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of April 29, 1970
91st-2nd; No. 67

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HIGHLIGHTS: House received conference report on school lunch bill. Rep. Berry criticized USDA's granting contract to determine effects of laundering. Rep. Quillen strongly disapproved of "efforts to kill off the special milk program."

HOUSE

1. SCHOOL LUNCH. Received conference report on H. R. 515, to provide free and reduced-price meals to needy children (H. Report No. 91-1032). pp. H3618-20
2. DAIRY. Rep. Quillen said "I am deeply disturbed by--and strongly disapprove of--efforts to kill of the special school milk program for children" and urged the Senate to act at the earliest possible time on the House passed bill. p.H3713
3. RESEARCH; CONTRACT. Rep. Berry criticized ARS for making a contract with the University of Calif. paying them to determine the effects of laundering conditions upon fraying shirt collars. p. H3671

4. HOUSING. Received the annual report of the Department of Housing and Urban Development for 1968 (H. Doc. 91-329). p. H3621
5. RECREATION. Received from GAO a report on problems in land acquisitions for national recreation areas, National Park Service, Dept. of the Interior; to Government Operations Committee. p. H3716
The Interior and Insular Affairs Committee voted to report (but did not actually report) H. R. 12758 amended, to authorize the Secretary of the Interior to establish a volunteers in the park program. p. D416
6. RAISINS. Rep. Sisk said that the raisin industry well deserves recognition during National Raisin Week. p. H3620
7. HUNGER. Rep. Mikva commended the efforts of the American Freedom From Hunger Foundation and its young world development program for sponsoring, on May 3, 15 hikes against hunger across the Nation; and said that statistics indicate that food programs have fallen far short of the declared goal. pp. H3677-9
8. EDUCATION. Rep. Brademas criticized the administration's educational programs. pp. H3696-700

EXTENSION OF REMARKS

9. RAISINS. Rep. Mathias noted that Calif. produces one half of the world supply of raisins and that April 26 begins National Raisin Week. p. E3708
10. FAMILY ASSISTANCE. Rep. Hamilton stated that the present welfare system is a failure and he listed his reasons for supporting the President's Family Assistance Plan. pp. E3716-7
11. COTTON. Rep. Gubser inserted a letter from a disgruntled cotton grower who wants all farm programs abolished and a return to supply and demand control of what is planted. pp. E3718-9
12. BEEF. Rep. Hansen defended the right of beef producers to a fair return on their investment and argued that beef prices are reasonable in comparison with the rest of the economy. p. E3721
13. CONSUMERS. Rep. Rosenthal inserted his statement on the plight of the consumer in which he deplors the fragmentation of consumer responsibility and suggests the creation of a new Federal Consumer Agency. pp. E3730-1

BILLS INTRODUCED

14. TAXATION; PERSONNEL. H. R. 17321, by Rep. Downing, to amend the Internal Revenue Code of 1954 to provide the same exclusion from gross income for Federal civilian employees as is provided for commissioned officers in the Armed Forces of the U. S.; to Ways and Means Committee.
15. LANDS. H. R. 17345, by Rep. Hansen, Idaho, to permit suits to be brought against the U. S. to adjudicate disputed land titles; to Judiciary Committee.

CHILDREN'S FOOD SERVICE PROGRAMS

APRIL 29, 1970.—Ordered to be printed

Mr. PERKINS, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 515]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

AUTHORIZATION FOR ADVANCE APPROPRIATIONS; CARRYOVER AUTHORIZATION

SECTION 1. (a) Section 3 of the National School Lunch Act is amended by inserting at the end thereof the following: "Appropriations to carry out the provisions of this Act and of the Child Nutrition Act of 1966 for any fiscal year are authorized to be made a year in advance of the beginning of the fiscal year in which the funds will become available for disbursement to the States. Notwithstanding any other provision of law, any funds appropriated to carry out the provisions of such Acts shall remain available for the purposes of the Act for which appropriated until expended."

(b) *The first sentence of section 10 of the National School Lunch Act and the first sentence of section 12(d)(5) of such Act are each amended by striking the words "preceding fiscal year" and inserting in lieu thereof the following: "fiscal year beginning two years immediately prior to the fiscal year for which the Federal funds are appropriated".*

NONFOOD ASSISTANCE PROGRAM AUTHORIZATION

SEC. 2. Sections 5(a) and 5(b) of the Child Nutrition Act of 1966 are amended to read as follows:

"(a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1971, not to exceed \$38,000,000, for the fiscal year ending June 30, 1972, not to exceed \$33,000,000, for the fiscal year ending June 30, 1973, not to exceed \$15,000,000, and for each succeeding fiscal year, not to exceed \$10,000,000, to enable the Secretary to formulate and carry out a program to assist the States through grants-in-aid and other means to supply schools drawing attendance from areas in which poor economic conditions exist with equipment, other than land or buildings, for the storage, preparation, transportation, and serving of food to enable such schools to establish, maintain, and expand school food service programs. In the case of a nonprofit private school, such equipment shall be for use of such school principally in connection with child feeding programs authorized in this Act and in the National School Lunch Act, as amended, and in the event such equipment is no longer so used, it may be transferred to another nonprofit private school participating in any of such programs or to a public school participating in any of such programs, or, failing either of these dispositions, that part of such equipment financed with Federal funds, or the residual value thereof, shall revert to the United States.

"(b) The Secretary shall apportion 50 per centum of the funds appropriated for the purposes of this section among the States during each fiscal year on the same basis as apportionments are made under section 4 of the National School Lunch Act, as amended, for supplying agricultural and other foods. The remaining funds appropriated for the purposes of this section shall be apportioned to each State on the basis of the ratio between the number of children enrolled in schools without a food service in such State and the number of children enrolled in schools without a food service in all States. Payments to any State of funds apportioned for any fiscal year shall be made upon condition that at least one-fourth of the cost of any equipment financed under this subsection shall be borne by State or local funds."

ADMINISTRATIVE EXPENSES, NUTRITION EDUCATION, AND DIRECT EXPENDITURES

SEC. 3. The first sentence of section 6 of the National School Lunch Act is amended to read as follows: "The funds provided by appropriation or transfer from other accounts for any fiscal year for carrying out the provisions of this Act, and for carrying out the provisions of the Child Nutrition Act of 1966, other than section 3 thereof, less

"(1) not to exceed 3½ per centum thereof which per centum is hereby made available to the Secretary for his administrative expenses under this Act and under the Child Nutrition Act of 1966;

"(2) the amount apportioned by him pursuant to sections 4 and 5 of this Act and the amount appropriated pursuant to sections 11 and 13 of this Act and sections 4, 5, and 7 of the Child Nutrition Act of 1966; and

"(3) not to exceed 1 per centum of the funds provided for carrying out the programs under this Act and the programs under the Child Nutrition Act of 1966, other than section 3, which per centum is hereby made available to the Secretary to supplement the nutritional benefits of these programs through grants to States and other means for nutritional training and education for workers, cooperators, and participants in these programs and for necessary surveys and studies of requirements for food service programs in furtherance of the purposes expressed in section 2 of this Act and section 2 of the Child Nutrition Act of 1966, shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools and service institutions participating in the food service programs under this Act and under the Child Nutrition Act of 1966 in accordance with the needs as determined by the local school and service institution authorities."

STATE MATCHING REQUIREMENTS

SEC. 4. Section 7 of the National School Lunch Act is further amended by inserting immediately before the last sentence of such section the following: "For the fiscal year beginning July 1, 1971, and the fiscal year beginning July 1, 1972, State revenue (other than revenues derived from the program) appropriated or utilized specifically for program purposes (other than salaries and administrative expenses at the State, as distinguished from local, level) shall constitute at least 4 per centum of the matching requirement; for each of the two succeeding fiscal years, at least 6 per centum of the matching requirement; for each of the subsequent two fiscal years, at least 8 per centum of the matching requirement; and for each fiscal year thereafter, at least 10 per centum of the matching requirement. The State revenues made available pursuant to the preceding sentence shall be disbursed to schools, to the extent the State deems practicable, in such manner that each school receives the same proportionate share of such revenues as it receives of the funds apportioned to the State for the same year under sections 4 and 11 of the National School Lunch Act and sections 4 and 5 of the Child Nutrition Act of 1966."

STATE ADMINISTRATIVE EXPENSES

SEC. 5. The first sentence of section 7 of the Child Nutrition Act of 1966 is amended (1) by inserting "or for the administrative expenses of any other designated State agency" immediately after "its administrative expenses"; and (2) by inserting "and service institutions" immediately after "local school districts".

ADDITIONAL PROGRAM REQUIREMENTS AND AUTHORITY

SEC. 6. (a) The second sentence of section 9 of the National School Lunch Act (42 U.S.C. 1751) is amended by inserting "not exceeding 20 cents per meal" immediately after "or at a reduced cost".

(b) Section 9 of the National School Lunch Act is further amended by inserting after the second sentence thereof the following: "Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions; but, by January 1, 1971, any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guidelines shall be served meals free or at reduced cost. The income poverty guidelines to be used for any fiscal year shall be those prescribed by the Secretary as of July 1 of such year. In providing meals free or at reduced cost to needy children, first priority shall be given to providing free meals to the neediest children. Determination with respect to the annual income of any household shall be made solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household."

(c) Section 13(f) of the National School Lunch Act is amended by inserting after the second sentence, a new sentence: "Such determinations shall be made by the service institution authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions."

(d) The third sentence of section 9 of the National School Lunch Act and the fourth sentence of section 13(f) of such Act and the fourth sentence of section 4(e) of the Child Nutrition Act of 1966 are each amended by striking out the period at the end of the sentence and inserting in lieu thereof a comma and the following: "nor shall there be any overt identification of any such child by special tokens or tickets, announced or published lists of names, or other means."

(e) Section 9 of the National School Lunch Act is further amended by inserting at the end thereof the following: "The Secretary is authorized to prescribe terms and conditions respecting the use of commodities donated under such section 32, under section 416 of the Agricultural Act of 1949, as amended, and under section 709 of the Food and Agriculture Act of 1965, as amended, as will maximize the nutritional and financial contributions of such donated commodities in such schools and institutions. The requirements of this section relating to the service of meals without cost or at a reduced cost shall apply to the lunch program of any school utilizing commodities donated under any of the provisions of law referred to in the preceding sentence. None of the requirements of this section in respect to the amount for 'reduced cost' meals and to eligibility for meals without cost shall apply to nonprofit private schools which participate in the school lunch program under the provisions of section 10 until such time as the Secretary certifies that sufficient funds from sources other than children's payments are available to enable such schools to meet these requirements."

SPECIAL ASSISTANCE

SEC. 7. Section 11 of the National School Lunch Act is amended to read as follows:

"SPECIAL ASSISTANCE

"SEC. 11. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each succeeding fiscal year such sums as may be necessary to provide special assistance to assure access to the school lunch program under this Act by children of low-income families.

"(b) Of the sums appropriated pursuant to this section for any fiscal year, 3 per centum shall be available for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. From the funds so available the Secretary shall apportion to each such State an amount which bears the same ratio to such funds as the number of children aged three to seventeen, inclusive, in such State bears to the total number of such children in all such States. If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such State which justifies, on the basis of operating experience, the need for additional funds for such purposes.

"(c) The remaining sums appropriated pursuant to this section for any fiscal year shall be apportioned among States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa. The amount apportioned to each such State shall bear the same ratio to such remaining funds as the number of children in such State aged three to seventeen, inclusive, in households with incomes of less than \$4,000 per annum bears to the total number of such children in all such States. If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such State which justifies, on the basis of operating experience, the need for such additional funds for such purposes.

"(d) Payment of the funds apportioned to any State under this section shall be made as provided in the last sentence of section 7 of this Act.

"(e) Funds paid to any State for any fiscal year pursuant to this section shall be disbursed to schools in such State to assist them in financing all or part of the operating costs of the school lunch program in such schools including the costs of obtaining, preparing, and serving food. The amounts of funds that each school shall from time to time receive, within a maximum per meal amount established by the Secretary for all States, shall be based on the need of the school for assistance in meeting the requirements of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches.

"(f) If in any State the State educational agency is not permitted by law to disburse funds paid to it under this Act to nonprofit private schools in the State, the Secretary shall withhold from the funds apportioned to such State under subsection (b) or (c) of this section an amount which bears the same ratio to such funds as the number of free or reduced-price lunches served in accordance with section 9 of this Act in the fiscal year beginning two years immediately prior to the fiscal year for which the funds are appropriated, by all nonprofit private schools participating in the program under this Act in such State, bears to the number of such free and reduced-price lunches served during such prior year by all schools participating in the program under this Act in such State. The Secretary shall disburse the

funds so withheld directly to the nonprofit private schools within such State for the same purposes and subject to the same conditions as are applicable to a State educational agency disbursing funds under this section.

"(g) In carrying out this section, the terms and conditions governing the operation of the school lunch program set forth in other sections of this Act, including those applicable to funds apportioned or paid pursuant to section 4 or 5 but excluding the provisions of section 7 relating to matching, shall be applicable to the extent they are not inconsistent with the express requirements of this section.

"(h)(1) Not later than January 1 of each year, each State educational agency shall submit to the Secretary, for approval by him as a prerequisite to receipt of Federal funds or any commodities donated by the Secretary for use in programs under this Act and the Child Nutrition Act of 1966, a State plan of child nutrition operations for the following fiscal year, which shall include, as a minimum, a description of the manner in which the State educational agency proposes (A) to use the funds provided under this Act and funds from sources within the State to furnish a free or reduced price lunch to every needy child in accordance with the provisions of section 9; (B) to extend the school-lunch program under this Act to every school within the State, and (C) to use the funds provided under section 13 of this Act and section 4 of the Child Nutrition Act of 1966 and funds from sources within the State to the maximum extent practicable to reach needy children.

"(2) Each school participating in the school-lunch program under this Act shall report each month to its State educational agency the average number of children in the school who received free lunches and the average number of children who received reduced price lunches during the immediately preceding month. Each participating school shall provide an estimate, as of October 1 and March 1 of each year, of the number of children who are eligible for a free or reduced price lunch.

"(3) The State educational agency of each State shall report to the Secretary each month the average number of children in the State who received free lunches and the average number of children in the State who received reduced price lunches during the immediately preceding month. Each State educational agency shall provide an estimate as of October 1 and March 1 of each year, of the number of children who are eligible for a free or reduced price lunch."

REGULATIONS

SEC. 8. Section 10 of the Child Nutrition Act of 1966 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "and the National School Lunch Act, including regulations relating to the service of food in participating schools and service institutions in competition with the programs authorized under this Act and the National School Lunch Act. In such regulations the Secretary may provide for the transfer of funds by any State between the programs authorized under this Act and the National School Lunch Act on the basis of an approved State plan of operation for the use of the funds and may provide for the reserve of up to 1 per centum of the funds available for apportionment to any State to carry out special developmental projects."

NATIONAL ADVISORY COUNCIL

SEC. 9. The National School Lunch Act is amended by adding at the end thereof the following new section:

"NATIONAL ADVISORY COUNCIL

"SEC. 14. (a) There is hereby established a council to be known as the National Advisory Council on Child Nutrition (hereinafter in this section referred to as the 'Council') which shall be composed of thirteen members appointed by the Secretary. One member shall be a school administrator, one member shall be a person engaged in child welfare work, one member shall be a person engaged in vocational education work, one member shall be a nutrition expert, one member shall be a school food service management expert, one member shall be a State superintendent of schools (or the equivalent thereof), one member shall be a State school lunch director (or the equivalent thereof), one member shall be a person serving on a school board, one member shall be a classroom teacher, and four members shall be officers or employees of the Department of Agriculture specially qualified to serve on the Council because of their education, training, experience, and knowledge in matters relating to child food programs.

"(b) The nine members of the Council appointed from outside the Department of Agriculture shall be appointed for terms of three years, except that such members first appointed to the Council shall be appointed as follows: Three members shall be appointed for terms of three years, three members shall be appointed for terms of two years, and three members shall be appointed for terms of one year. Thereafter all appointments shall be for a term of three years, except that a person appointed to fill an unexpired term shall serve only for the remainder of such term. Members appointed from the Department of Agriculture shall serve at the pleasure of the Secretary.

"(c) The Secretary shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Council.

"(d) The Council shall meet at the call of the Chairman but shall meet at least once a year.

"(e) Seven members shall constitute a quorum and a vacancy on the Council shall not affect its powers.

"(f) It shall be the function of the Council to make a continuing study of the operation of programs carried out under the National School Lunch Act, the Child Nutrition Act of 1966, and any related Act under which meals are provided for children, with a view to determining how such programs may be improved. The Council shall submit to the President and the Congress annually a written report of the results of its study together with such recommendations for administrative and legislative changes as it deems appropriate.

"(g) The Secretary shall provide the Council with such technical and other assistance, including secretarial and clerical assistance, as may be required to carry out its functions under this Act.

"(h) Members of the Council shall serve without compensation but shall receive reimbursement for necessary travel and subsistence expenses incurred by them in the performance of the duties of the Council."

SCHOOL BREAKFAST PROGRAM AUTHORIZATION

SEC. 10. Section 4(a) of the Child Nutrition Act of 1966 is hereby amended by striking out "\$12,000,000" and inserting "\$25,000,000".
And the Senate agree to the same.

CARL D. PERKINS,
ROMAN PUCINSKI,
WILLIAM D. FORD,
WM. H. AYRES,
ALBERT H. QUIE,

Managers on the Part of the House.

ALLEN J. ELLENDER,
HERMAN E. TALMADGE,
GEORGE MCGOVERN,
GEORGE D. AIKEN,
MILTON R. YOUNG,

Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions, submit the following statement in explanation of the effect of action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a new text. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment.

Except for minor, clarifying, and conforming provisions, this statement explains the action of the managers on the part of the House.

FREE OR REDUCED-PRICE MEALS

The conference amendment to the eligibility standard for free and reduced-price lunches makes it clear that every child from a household with an income below the poverty level shall be served free or reduced-price meals. A national standard for the poverty level, as determined by the Secretary of Agriculture, shall be used as the standard of eligibility in lieu of the multistandard as included in the original Senate-passed bill. It is expected that this will be the same as established by the Department of Health, Education, and Welfare and the Office of Economic Opportunity.

While it is the intent of the managers that every child from an impoverished family shall be served meals either free or at reduced cost—not to exceed 20 cents per meal—it is also the intent that free lunches be provided for the poorest of the poor and under no circumstances shall those unable to pay be charged for their lunches. The determination of income of an eligible household shall be made solely on the basis of an affidavit and such a family shall be judged eligible for free or reduced-price meals until it is proven otherwise in a proceeding subject to the approval of the Secretary of Agriculture.

It should be clear that, although the poverty guideline is the only mandatory national standard, children from a family meeting other criteria shall also be eligible for free or reduced-price school lunches.

APPORTIONMENT OF SPECIAL ASSISTANCE FUNDS

The Senate amendment provided for apportionment of special assistance funds—section 11—to the States on the basis of the number of schoolchildren from families with an income equivalent to \$4,000 or less per year for a family of four. The conference amendment provides that the total number of children aged 3 to 17, inclusive, in households with incomes of less than \$4,000 be the basis of apportionment among the States. These data are more readily available from official sources.

SCHOOL BREAKFASTS

The Senate amendment made a number of changes in the school breakfast program, including an extension and increase of appropriation authorizations (from \$12 million for fiscal year 1971) to \$25 million for fiscal year 1971, \$50 million for fiscal year 1972, and \$75 million for fiscal year 1973. In the conference substitute the authorization of appropriations for fiscal year 1971 is increased to \$25 million. There are no further extensions or increases nor other amendments.

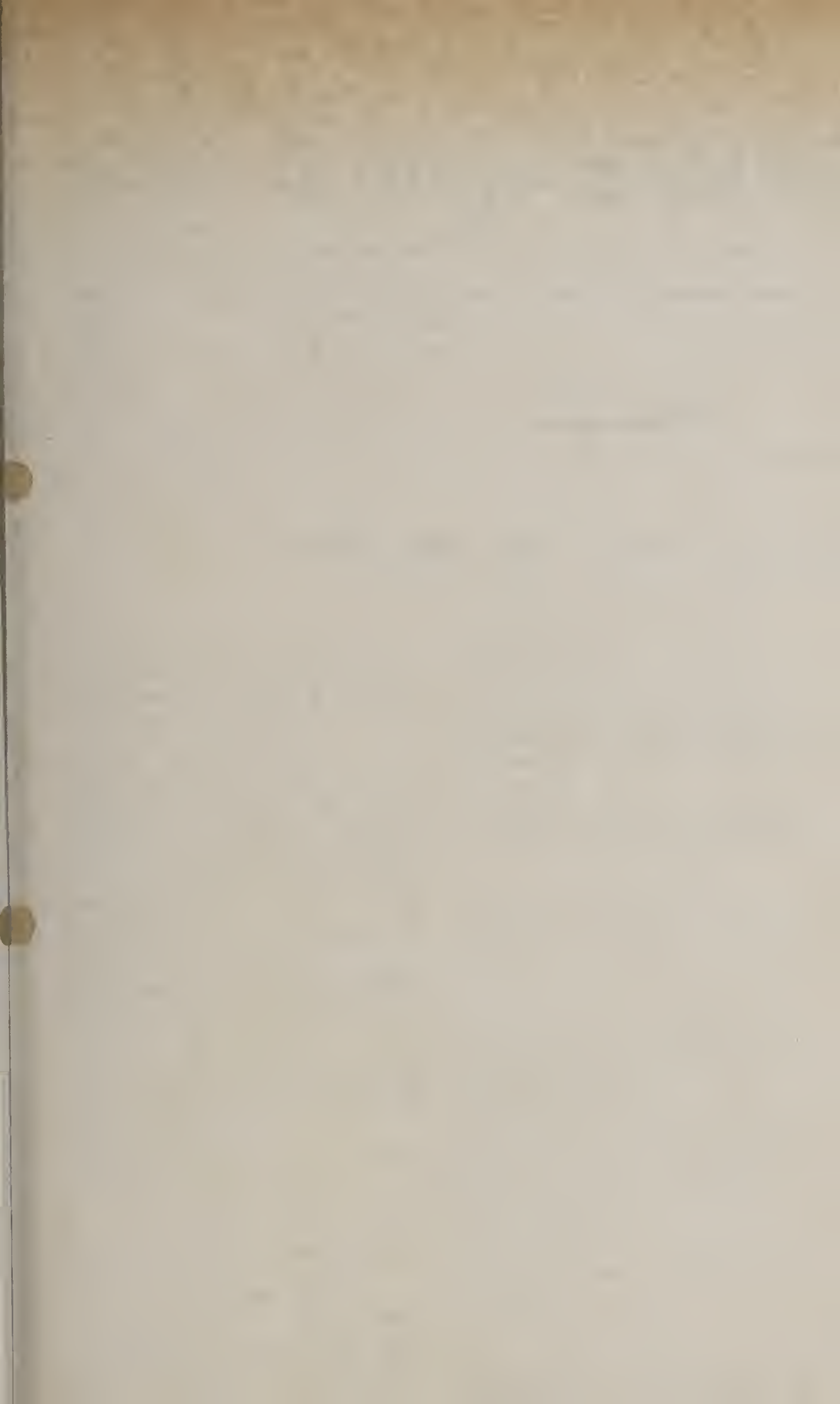
STATE PLANS AND REPORTING

The Senate amendment required each State, as a prerequisite to receipt of Federal funds, to submit an annual State plan, the first of which would be due by June 1, 1970, which must describe the manner in which the State agency proposes to include every school in the national school lunch program by the start of the 1972-73 school year. The substitute requires the submission of the State plan by January 1 of each year, and removes the target date for extending the program to all schools.

The Senate amendment required all schools and each State educational agency to file monthly reports listing the numbers of children eligible for free and reduced-price lunches. The substitute requires school officials to estimate the number of children eligible by March 1 and October 1 of each year.

CARL D. PERKINS,
ROMAN PUCINSKI,
WILLIAM D. FORD,
WM. H. AYRES,
ALBERT H. QUIE,

Managers on the Part of the House.





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WASHINGTON, WEDNESDAY, APRIL 29, 1970

No. 67

Senate

The Senate was not in session today. Its next meeting will be held on Thursday, April 30, 1970, at 11:30 a.m.

House of Representatives

WEDNESDAY, APRIL 29, 1970

The House met at 12 o'clock noon.
The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

1 John 4: 4. *He who is in you is greater than he who is in the world.*

Eternal God, our Father, we lift our hearts unto Thee in prayer and with our hearts our hands to do Thy work in this disturbed and disordered world. During this time of trouble and turmoil be Thou our stay, our shield, and our support. Steady our minds, strengthen our wills, sustain our spirits.

Restrain those who with wild oratory and violent means would intimidate our leaders and even destroy our Government. Do Thou make strong and stable the hearts and hands of those who seek freedom for all, justice among all, peace to all, and good will by all.

May those who labor for the good of their fellow men feel the support of Thy presence in their endeavors to make our country great in goodness and to keep her good in greatness.

In the spirit of Him who went about doing good we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On April 23, 1970:

H.R. 15349. An act to amend the Railway Labor Act in order to change the number of carrier representatives and labor organization representatives of the National Railroad

Adjustment Board, and for other purposes.
On April 24, 1970:

H.R. 8654. An act to provide that, for purposes of the Internal Revenue Code of 1954, individuals who were illegally detained during 1968 by the Democratic People's Republic of Korea shall be treated as serving in a combat zone.

On April 27, 1970:

H.J. Res. 251. Joint resolution to authorize the President to proclaim the last Friday of April 1970 as "National Arbor Day."

FLAG DAY—AUTHORITY FOR THE SPEAKER TO DECLARE RECESS

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, Sunday, June 14, will mark the 193d anniversary of Flag Day. It has been the practice of the House for a good many years to have proper observances commemorating Flag Day here in the House.

Mr. Speaker, I ask unanimous consent that it may be in order at any time on Monday, June 15, for the Speaker to declare a recess for the purpose of observing and commemorating Flag Day in such manner as the Speaker may deem appropriate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DESIGNATING COMMITTEE FOR APPROPRIATE CEREMONIES ON FLAG DAY

The SPEAKER. The Chair will state for the information of the Members of the House that after consultation with the distinguished minority leader, the Chair has informally designated the following Members to constitute a committee to make the necessary arrangements for appropriate ceremonies in

accordance with the unanimous-consent agreement just adopted:

The gentleman from Texas (Mr. Brooks), the gentleman from Alabama (Mr. NICHOLS), the gentleman from Indiana (Mr. ROUDEBUSH), and the gentleman from Missouri (Mr. HALL).

IN FAIRNESS TO HIM, OUR AMBASSADOR TO SWEDEN SHOULD BE WITHDRAWN

(Mr. RIVERS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RIVERS. Mr. Speaker, I think the indignities our distinguished Ambassador to Sweden has had to undergo are absolutely inexcusable. Jerome Holland is a great American, and a great educator. He served on my draft panel. He helped us to write the present draft law. He was a great athlete and an All-American football player. He knows what fair play is.

These Swedes have not given him proper respect, not even respectability.

Mr. Speaker, I think Jerome Holland should be invited home by the President, and the President should consider reducing our Embassy in Sweden to that of a consulate not only for this indignity, but for other actions where they have decoyed our servicemen away from their posts of duty and caused them to be traitors to their country by letting them go to Sweden to live.

Mr. Speaker, we have adequate grounds for letting Sweden know that we know they are no longer our friends, and not worthy of the present diplomatic recognition accorded them.

PERSONAL EXPLANATION

Mr. MEEDS. Mr. Speaker, yesterday on rollcall No. 95 I was in my office. The

bells did not ring in my office. If I had been present I would have voted "nay."

CONFERENCE REPORT ON H.R. 515, SCHOOL FOOD SERVICE PROGRAM

Mr. PERKINS submitted the following conference report and statement on the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions:

CONFERENCE REPORT (H. REPT. NO. 91-1032)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

AUTHORIZATION FOR ADVANCE APPROPRIATIONS; CARRYOVER AUTHORIZATION

SECTION 1. (a) Section 3 of the National School Lunch Act is amended by inserting at the end thereof the following: "Appropriations to carry out the provisions of this Act and of the Child Nutrition Act of 1966 for any fiscal year are authorized to be made a year in advance of the beginning of the fiscal year in which the funds will become available for disbursement to the States. Notwithstanding any other provision of law, any funds appropriated to carry out the provisions of such Acts shall remain available for the purposes of the Act for which appropriated until expended."

(b) The first sentence of section 10 of the National School Lunch Act and the first sentence of section 12(d) (5) of such Act are each amended by striking the words "preceding fiscal year" and inserting in lieu thereof the following: "fiscal year beginning two years immediately prior to the fiscal year for which the Federal funds are appropriated".

NONFOOD ASSISTANCE PROGRAM AUTHORIZATION

Sec. 2. Sections 5(a) and 5(b) of the Child Nutrition Act of 1966 are amended to read as follows:

"(a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1971, not to exceed \$38,000,000, for the fiscal year ending June 30, 1972, not to exceed \$33,000,000, for the fiscal year ending June 30, 1973, not to exceed \$15,000,000, and for each succeeding fiscal year, not to exceed \$10,000,000, to enable the Secretary to formulate and carry out a program to assist the States through grants-in-aid and other means to supply schools drawing attendance from areas in which poor economic conditions exist with equipment, other than land or buildings, for the storage, preparation,

transportation, and serving of food to enable such schools to establish, maintain, and expand school food service programs. In the case of a nonprofit private school, such equipment shall be for use of such school principally in connection with child feeding programs authorized in this Act and in the National School Lunch Act, as amended, and in the event such equipment is no longer so used, it may be transferred to another nonprofit private school participating in any of such programs or to a public school participating in any of such programs, or, failing either of these dispositions, that part of such equipment financed with Federal funds, or the residual value thereof, shall revert to the United States.

"(b) The Secretary shall apportion 50 per centum of the funds appropriated for the purposes of this section among the States during each fiscal year on the same basis as apportionments are made under section 4 of the National School Lunch Act, as amended, for supplying agricultural and other foods. The remaining funds appropriated for the purposes of this section shall be apportioned to each State on the basis of the ratio between the number of children enrolled in schools without a food service in such State and the number of children enrolled in schools without a food service in all States. Payments to any State of funds apportioned for any fiscal year shall be made upon condition that at least one-fourth of the cost of any equipment financed under this subsection shall be borne by State or local funds."

ADMINISTRATIVE EXPENSES, NUTRITION EDUCATION, AND DIRECT EXPENDITURES

Sec. 3. The first sentence of section 6 of the National School Lunch Act is amended to read as follows: "The funds provided by appropriation or transfer from other accounts for any fiscal year for carrying out the provisions of this Act, and for carrying out the provisions of the Child Nutrition Act of 1966, other than section 3 thereof, less

"(1) not to exceed 3½ per centum thereof which per centum is hereby made available to the Secretary for his administrative expenses under this Act and under the Child Nutrition Act of 1966;

"(2) the amount apportioned by him pursuant to sections 4 and 5 of this Act and the amount appropriated pursuant to sections 11 and 13 of this Act and sections 4, 5, and 7 of the Child Nutrition Act of 1966; and

"(3) not to exceed 1 per centum of the funds provided for carrying out the programs under this Act and the programs under the Child Nutrition Act of 1966, other than section 3, which per centum is hereby made available to the Secretary to supplement the nutritional benefits of these programs through grants to States and other means for nutritional training and education for workers, cooperators, and participants in these programs and for necessary surveys and studies of requirements for food service programs in furtherance of the purposes expressed in section 2 of this Act and section 2 of the Child Nutrition Act of 1966,

shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools and service institutions participating in the food service programs under this Act and under the Child Nutrition Act of 1966 in accordance with the needs as determined by the local school and service institution authorities."

STATE MATCHING REQUIREMENTS

Sec. 4. Section 7 of the National School Lunch Act is further amended by inserting immediately before the last sentence of such section the following: "For the fiscal year beginning July 1, 1971, and the fiscal year beginning July 1, 1972, State revenue (other

than revenues derived from the program) appropriated or utilized specifically for program purposes (other than salaries and administrative expenses at the State, as distinguished from local, level) shall constitute at least 4 per centum of the matching requirement; for each of the two succeeding fiscal years, at least 6 per centum of the matching requirement; for each of the subsequent two fiscal years, at least 8 per centum of the matching requirement; and for each fiscal year thereafter, at least 10 per centum of the matching requirement. The State revenues made available pursuant to the preceding sentence shall be disbursed to schools, to the extent the State deems practicable, in such manner that each school receives the same proportionate share of such revenues as it receives of the funds apportioned to the State for the same year under sections 4 and 11 of the National School Lunch Act and sections 4 and 5 of the Child Nutrition Act of 1966."

STATE ADMINISTRATIVE EXPENSES

Sec. 5. The first sentence of section 7 of the Child Nutrition Act of 1966 is amended (1) by inserting "or for the administrative expenses of any other designated State agency" immediately after "its administrative expenses"; and (2) by inserting "and service institutions" immediately after "local school districts".

ADDITIONAL PROGRAM REQUIREMENTS AND AUTHORITY

Sec. 6. (a) The second sentence of section 9 of the National School Lunch Act (42 U.S.C. 1751) is amended by inserting "not exceeding 20 cents per meal" immediately after "or at a reduced cost".

(b) Section 9 of the National School Lunch Act is further amended by inserting after the second sentence thereof the following: "Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions; but, by January 1, 1971, any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guidelines shall be served meals free or at reduced cost. The income poverty guidelines to be used for any fiscal year shall be those prescribed by the Secretary as of July 1 of such year. In providing meals free or at reduced cost to needy children, first priority shall be given to providing free meals to the neediest children. Determination with respect to the annual income of any household shall be made solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household."

(c) Section 13(f) of the National School Lunch Act is amended by inserting after the second sentence, a new sentence: "Such determinations shall be made by the service institution authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions."

(d) The third sentence of section 9 of the National School Lunch Act and the fourth sentence of section 13(f) of such Act and the fourth sentence of section 4(e) of the Child Nutrition Act of 1966 are each amended by striking out the period at the end of the sentence and inserting in lieu thereof a comma and the following: "nor shall there be any overt identification of any such child by special tokens or tickets, announced or published lists of names, or other means."

(e) Section 9 of the National School Lunch Act is further amended by inserting at the end thereof the following: "The Secretary is authorized to prescribe terms and conditions respecting the use of commodities donated under such section 32, under section 416 of the Agricultural Act of 1949, as amended, and under section 709 of the Food and Agriculture Act of 1965, as amended, as will maximize the nutritional and financial contributions of such donated commodities in such schools and institutions. The requirements of this section relating to the service of meals without cost or at a reduced cost shall apply to the lunch program of any school utilizing commodities donated under any of the provisions of law referred to in the preceding sentence. None of the requirements of this section in respect to the amount for 'reduced cost' meals and to eligibility for meals without cost shall apply to nonprofit private schools which participate in the school lunch program under the provisions of section 10 until such time as the Secretary certifies that sufficient funds from sources other than children's payments are available to enable such schools to meet these requirements."

SPECIAL ASSISTANCE

SEC. 7. Section 11 of the National School Lunch Act is amended to read as follows:

"SPECIAL ASSISTANCE

"SEC. 11. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each succeeding fiscal year such sums as may be necessary to provide special assistance to assure access to the school lunch program under this Act by children of low-income families.

"(b) Of the sums appropriated pursuant to this section for any fiscal year, 3 per centum shall be available for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. From the funds so available the Secretary shall apportion to each such State an amount which bears the same ratio to such funds as the number of children aged three to seventeen, inclusive, in such State bears to the total number of such children in all such States. If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such State which justifies, on the basis of operating experience, the need for additional funds for such purposes.

"(c) The remaining sums appropriated pursuant to this section for any fiscal year shall be apportioned among States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa. The amount apportioned to each such State shall bear the same ratio to such remaining funds as the number of children in such State aged three to seventeen, inclusive, in households with incomes of less than \$4,000 per annum bears to the total number of such children in all such States. If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such State which justifies, on the basis of operating experience, the need for such additional funds for such purposes.

"(d) Payment of the funds apportioned to any State under this section shall be made as provided in the last sentence of section 7 of this Act.

"(e) Funds paid to any State for any fiscal year pursuant to this section shall be disbursed to schools in such State to assist them in financing all or part of the operating costs of the school lunch program in such schools including the costs of obtaining, preparing, and serving food. The amounts of funds that each school shall from time to time receive, within a maximum per meal amount established by the Secretary for all States, shall

be based on the need of the school for assistance in meeting the requirements of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches.

"(f) If in any State the State educational agency is not permitted by law to disburse funds paid to it under this Act to nonprofit private schools in the State, the Secretary shall withhold from the funds apportioned to such State under subsection (b) or (c) of this section an amount which bears the same ratio to such funds as the number of free or reduced-price lunches served in accordance with section 9 of this Act in the fiscal year beginning two years immediately prior to the fiscal year for which the funds are appropriated, by all nonprofit private schools participating in the program under this Act in such State, bears to the number of such free and reduced-price lunches served during such prior year by all schools participating in the program under this Act in such State. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within such State for the same purposes and subject to the same conditions as are applicable to a State educational agency disbursing funds under this section.

"(g) In carrying out this section, the terms and conditions governing the operation of the school lunch program set forth in other sections of this Act, including those applicable to funds apportioned or paid pursuant to section 4 or 5 but excluding the provisions of section 7 relating to matching, shall be applicable to the extent they are not inconsistent with the express requirements of this section.

"(h) (1) Not later than January 1 of each year, each State educational agency shall submit to the Secretary, for approval by him as a prerequisite to receipt of Federal funds or any commodities donated by the Secretary for use in programs under this Act and the Child Nutrition Act of 1966, a State plan of child nutrition operations for the following fiscal year, which shall include, as a minimum, a description of the manner in which the State educational agency proposes (A) to use the funds provided under this Act and funds from sources within the State to furnish a free or reduced price lunch to every needy child in accordance with the provisions of section 9; (B) to extend the school-lunch program under this Act to every school within the State; and (C) to use the funds provided under section 13 of this Act and section 4 of the Child Nutrition Act of 1966 and funds from sources within the State to the maximum extent practicable to reach needy children.

"(2) Each school participating in the school-lunch program under this Act shall report each month to its State educational agency the average number of children in the school who received free lunches and the average number of children who received reduced price lunches during the immediately preceding month. Each participating school shall provide an estimate, as of October 1 and March 1 of each year, of the number of children who are eligible for a free or reduced price lunch.

"(3) The State educational agency of each State shall report to the Secretary each month the average number of children in the State who received free lunches and the average number of children in the State who received reduced price lunches during the immediately preceding month. Each State educational agency shall provide an estimate as of October 1 and March 1 of each year, of the number of children who are eligible for a free or reduced price lunch."

REGULATIONS

SEC. 8. Section 10 of the Child Nutrition Act of 1966 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "and the National

School Lunch Act, including regulations relating to the service of food in participating schools and service institutions in competition with the programs authorized under this Act and the National School Lunch Act. In such regulations the Secretary may provide for the transfer of funds by any State between the programs authorized under this Act and the National School Lunch Act on the basis of an approved State plan of operation for the use of the funds and may provide for the reserve of up to 1 per centum of the funds available for apportionment to any State to carry out special developmental projects."

NATIONAL ADVISORY COUNCIL

SEC. 9. The National School Lunch Act is amended by adding at the end thereof the following new section:

"NATIONAL ADVISORY COUNCIL

"SEC. 14. (a) There is hereby established a council to be known as the National Advisory Council on Child Nutrition (hereinafter in this section referred to as the 'Council') which shall be composed of thirteen members appointed by the Secretary. One member shall be a school administrator, one member shall be a person engaged in child welfare work, one member shall be a person engaged in vocational education work, one member shall be a nutrition expert, one member shall be a school food service management expert, one member shall be a State superintendent of schools (or the equivalent thereof), one member shall be a State school lunch director (or the equivalent thereof), one member shall be a person serving on a school board, one member shall be a classroom teacher, and four members shall be officers or employees of the Department of Agriculture specially qualified to serve on the Council because of their education, training, experience, and knowledge in matters relating to child food programs.

"(b) The nine members of the Council appointed from outside the Department of Agriculture shall be appointed for terms of three years, except that such members first appointed to the Council shall be appointed as follows: Three members shall be appointed for terms of three years, three members shall be appointed for terms of two years, and three members shall be appointed for terms of one year. Thereafter all appointments shall be for a term of three years, except that a person appointed to fill an unexpired term shall serve only for the remainder of such term. Members appointed from the Department of Agriculture shall serve at the pleasure of the Secretary.

"(c) The Secretary shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Council.

"(d) The Council shall meet at the call of the Chairman but shall meet at least once a year.

"(e) Seven members shall constitute a quorum and a vacancy on the Council shall not affect its powers.

"(f) It shall be the function of the Council to make a continuing study of the operation of programs carried out under the National School Lunch Act, the Child Nutrition Act of 1966, and any related Act under which meals are provided for children, with a view to determining how such programs may be improved. The Council shall submit to the President and the Congress annually a written report of the results of its study together with such recommendations for administrative and legislative changes as it deems appropriate.

"(g) The Secretary shall provide the Council with such technical and other assistance, including secretarial and clerical assistance, as may be required to carry out its functions under this Act.

"(h) Members of the Council shall serve without compensation but shall receive reimbursement for necessary travel and sub-

sistence expenses incurred by them in the performance of the duties of the Council."

SCHOOL BREAKFAST PROGRAM AUTHORIZATION

SEC. 10. Section 4(a) of the Child Nutrition Act of 1966 is hereby amended by striking out "\$12,000,000" and inserting "\$25,000,000".

And the Senate agree to the same.

CARL D. PERKINS,
ROMAN C. PUCINSKI,
WILLIAM D. FORD,
WILLIAM H. AYRES,
ALBERT H. QUIE,

Managers on the Part of the House.

ALLEN J. ELLENDER,
HERMAN E. TALMADGE,
GEORGE MCGOVERN,
GEORGE D. AIKEN,
MILTON R. YOUNG,

Managers on the Part of the Senate.

STATEMENT OF THE MANAGERS

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions, submit the following statement in explanation of the effect of action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a new text. The House recedes from its disagreement to the amendment of the Senate, with an amendment which is a substitute for both the House bill and the Senate amendment.

Except for minor, clarifying and conforming provisions, this statement explains the action of the managers on the part of the House.

FREE OR REDUCED-PRICE MEALS

The conference amendment to the eligibility standard for free and reduced-price lunches makes it clear that every child from a household with an income below the poverty level shall be served free or reduced-price meals. A national standard for the poverty level, as determined by the Secretary of Agriculture, shall be used as the standard of eligibility in lieu of the multi-standard as included in the original Senate-passed bill. It is expected that this will be the same as established by the Department of Health, Education and Welfare and the Office of Economic Opportunity.

While it is the intent of the managers that every child from an impoverished family shall be served meals either free or at reduced cost—not to exceed 20¢ per meal—it is also the intent that free lunches be provided for the poorest of the poor and under no circumstances shall those unable to pay be charged for their lunches. The determination of income of an eligible household shall be made solely on the basis of an affidavit and such a family shall be judged eligible for free or reduced-in-price meals until it is proven otherwise in a proceeding subject to the approval of the Secretary of Agriculture.

It should be clear that, although the poverty guideline is the only mandatory national standard, children from a family meeting other criteria shall also be eligible for free or reduced-price school lunches.

APPORTIONMENT OF SPECIAL ASSISTANCE FUNDS

The Senate amendment provided for apportionment of special assistance funds (Sec. 11) to the States on the basis of the number

of school children from families with an income equivalent to \$4,000 or less per year for a family of four. The conference amendment provides that the total number of children aged three to seventeen, inclusive, in households with incomes of less than \$4,000 be the basis of apportionment among the States. These data are more readily available from official sources.

SCHOOL BREAKFASTS

The Senate amendment made a number of changes in the school breakfast program, including an extension and increase of appropriation authorizations (from \$12 million for fiscal year 1971) to \$25 million for fiscal year 1971, \$50 million for fiscal year 1972, and \$75 million for fiscal year 1973. In the conference substitute the authorization of appropriations for fiscal year 1971 is increased to \$25 million. There are no further extensions or increases nor other amendments.

STATE PLANS AND REPORTING

The Senate amendment required each State, as a prerequisite to receipt of Federal funds, to submit an annual State plan, the first of which would be due by June 1, 1970, which must describe the manner in which the State agency proposes to include every school in the national school lunch program by the start of the 1972-1973 school year. The substitute requires the submission of the State plan by January 1 of each year, and removes the target date for extending the program to all schools.

The Senate amendment required all schools and each State educational agency to file monthly reports listing the numbers of children eligible for free and reduced-price lunches. The substitute requires school officials to estimate the number of children eligible by March 1 and October 1 of each year.

CARL D. PERKINS,
ROMAN C. PUCINSKI,
WILLIAM D. FORD,
WILLIAM H. AYRES,
ALBERT H. QUIE,

Managers on the Part of the House.

61ST ANNUAL NATIONAL RAISIN WEEK

(Mr. SISK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SISK. Mr. Speaker, the 61st annual National Raisin Week, the Nation's oldest food festival, calls attention to one of California's most vital industries.

The quarter-billion-dollar raisin industry, which effectively utilizes the modern tools of sales promotion and advertising, supply management and bargaining, had its roots in antiquity.

Raisins were grown by the Egyptians and Persians in 2000 B.C. and the Bible mentions that an Israelite brought cheese and raisins to pay his taxes to King David.

In Rome during the time of Nero, the wealthy always had raisins on the menu of their feasts.

Raisins were once an expensive food, and only the wealthy ate them. Today, everyone can enjoy raisins for eating out of hand, and in puddings, cakes, cookies, bread, and a multitude of other delicious food forms.

Today, the California raisin industry's vineyards produce some 250,000 tons of raisins each year for processing and marketing throughout the world.

I would like to commend the California Raisin Advisory Board, as the indus-

try's research, promotion, and advertising arm, for the highly effective job it has done in promoting sales of raisins in the United States and overseas in cooperation with the U.S. Department of Agriculture's Foreign Agricultural Service.

Despite increasing competition from foreign competitors and from other products, the California raisin industry has become the largest in the world.

Special commendation should go also to the Federal Raisin Advisory Board and the Federal Raisin Administrative Committee for their effective efforts under Federal marketing orders which have had great success in bringing about the orderly marketing of raisins and which have also been effective in development of export markets.

I would also like to commend the Raisin Bargaining Association for its work in improving grower returns for their crops. In less than 4 years, the association has brought the raisin growers together in a concerted effort which has given them a strong voice in determining the reward for their labors.

The raisin industry, for its effective efforts in producing, processing, and marketing its crop, one-half of the world's raisin supply, well deserves special recognition during National Raisin Week.

THE CRISIS IN SOUTHEAST ASIA

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRELINGHUYSEN. Mr. Speaker, events have moved so swiftly in Southeast Asia these last few weeks that it is not easy to keep up with developments, let alone to evaluate them. Nonetheless, I feel compelled to comment briefly on today's news reports that our Government has reached a major decision regarding Cambodia.

Apparently troops have entered Cambodia. Initial reports indicate that they are there, not in a "combat" status but in logistical support of the South Vietnamese. How much significance such a distinction represents is problematical.

We know too little thus far about the nature of the movement into Cambodia. Whatever may be the justification for this decision, and whatever may be the consequences, my basic reaction is one of dismay. For over a year now earnest efforts have been made, by two Presidents, to reach a settlement in Vietnam and to reduce our commitment there. What will this step lead to?

Perhaps it is premature to pass judgment on this decision, or to forecast the result of this move into Cambodia, but my strong feeling is that we are on weak ground. Certainly, the way in which such a momentous decision became known was unfortunate, especially as Secretary of State Rogers could have indicated the administration's plans in his appearance before the Senate Foreign Relations Committee.

The President unquestionably has the basic responsibility for a decision of this kind. I sympathize with him as he grapples with the problem of how best to pro-

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DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of April 30, 1970
91st-2nd: No. 68

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HIGHLIGHTS: Senate agreed to conference report on school lunch bill. House committee reported supplemental appropriation bill.

HOUSE

1. UNEMPLOYMENT. Conferees were appointed on H. R. 14705, to extend and improve the Federal-State unemployment compensation program (p. H3719). The "Daily Digest" states that the conferees agreed to file a report (p. D424).
2. RECLAMATION. The Interior and Insular Affairs subcommittee approved for full committee action H. R. 6715 amended, to authorize the construction and operation of the Narrows unit, Missouri River Basin project, Colo. p. D423
3. COTTON. Rep. Miller, Ohio, noted that the U. S. is the largest producer of cotton yarn in the world. p. H3783

4. ENVIRONMENT. Rep. Saylor discussed the functions of the Council on Environmental Quality, and inserted copies of public laws and executive orders pertaining to the environment and a speech by Chairman Train explaining the role of the Council. pp. H3774-82
5. LEGISLATIVE PROGRAM. Rep. Albert in announcing the business for next week said that the second supplemental appropriations bill for fiscal year 1970 will be considered on Wed. pp. H3757-8
6. ADJOURNED until Mon., May 4. p. H3787

SENATE

7. SCHOOL LUNCH. Agreed to the conference report on H. R. 515, to strengthen and improve school service programs. pp. S6370-5
8. FISH. Passed without amendment H. R. 1049, the proposed Anadromous Fish Conservation Act. This bill will now be sent to the President. p. S6507
9. RECREATION. Passed without amendment H. R. 1187, increasing funds for acquisition of lands for the Cape Cod National Seashore. This bill will now be sent to the President. pp. S6506-7
10. FOOD STAMPS. Sen. Percy praised the operation of the food stamp program on the fifth anniversary of its operation in Ill. pp. S6410-20
11. ECONOMY. Sen. Javits reviewed what he terms the "economic crisis", urging action to end the inflation coupled with recession which grips the U. S. economy. pp. S6311-2
12. ENVIRONMENT. Sen. Church inserted his Earth Day speech entitled "Give Earth A Chance" in which he counsels rural development to improve the American environment. pp. S6334-6
13. HUNGER; MALNUTRITION. Sen. Percy stated that it was inconceivable that there are people too poor to buy food in this country and he inserted a report which urges more food stamps and income maintenance for the poor. pp. S6413-5

BILLS INTRODUCED

14. DISASTER RELIEF. S. 3774, by Sen. Javits, to amend the act authorizing Federal participation in the cost of protecting certain shore areas in order to authorize increased Federal participation in the cost of projects providing hurricane protection; to Public Works Committee. Remarks of author pp. S6308-10
15. VETERANS' LOANS. S. 3775, by Sen. Sparkman, to authorize the Veterans' Administration to make direct loans to any veteran who is determined to be eligible for assistance in acquiring specially adapted housing under chapter 21 of title 38, U.S.C.; to Banking and Currency Committee. Remarks of author p. S6383-4
16. DEFENSE PRODUCTION. S. 3776, by Sen. Sparkman, to amend and extend the Defense Production Act of 1950, as amended; to Banking and Currency Committee. Remarks of author pp. S6383-4

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ORDER OF BUSINESS

Mr. HARTKE. Mr. President, I ask unanimous consent to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection it is so ordered.

THE ASIAN VORTEX

Mr. HARTKE. President Nixon's decision to send American war planes and advisors into Cambodia continues the American tragedy of being drawn into the Asian vortex. The United States is like a giant stumbling into an Indochinese swamp, half blinded by its own blood. President Nixon's decision is a mistake, a mistake bred from a series of previous American mistakes that have already cost about 50,000 American lives.

Should we not see clearly before we further endanger American troops? Should we not understand fully our true national interest before we ask one more American boy to die?

What we desperately need is some realistic appraisal of our true interests in Southeast Asia. Only when we are certain what our interests are can we begin to determine a sound policy. Our Vietnam policy today is in large measure only the product of our past mistakes, and our "true interests" are defined by the need to avoid the worst consequences of those mistakes.

Sending American advisers will be justified by administration spokesmen on the grounds that there has been an "invasion." Without discussing what is an invasion and what invasions really threaten the United States, there is clearly not an invasion by Soviet Russia, not an invasion by Communist China; but an invasion that represents a continuation of regional disputes between ancient enemies. South Vietnamese attack in Cambodia with unaccustomed fighting enthusiasm. Cambodians slaughter Vietnamese citizens and float them down Asian rivers.

These warring states exists more in the imaginations of white Westerners than in the hearts and minds of Southeast Asians. We have supported, with the lives of our men, a series of self-appointed Asian generals concerned more about their Geneva bank accounts than the welfare of their country of the moment.

Trying to find our national interests, the right side, the just cause, the democratic leader in the swamps of Indochina is a hopeless enterprise. We are playing an endless Asian shell game in which we always lose. Perhaps if we saw our interests clearly, perhaps if we saw that neither side represents us, nor threatens us, we might decide that our best foreign policy should be based on cool self-interest.

It will be argued that President Nixon's action was necessary to protect American troops. How have we protected them in the past? They are presently so well

protected that if only a hundred Americans are killed each week it is considered a major foreign policy success. What a mockery for a country founded and built on the principle of the sacredness of the individual.

President Nixon's actions will not protect American lives but further endanger them. His action is a continuation of actions justified on the basis of protecting American lives but which in fact have taken American lives. We cannot protect our men because we are not prepared to win. We remain trapped by our limited objectives in Southeast Asia. We know that our national interest in Southeast Asia does not justify the threat of world war III or even our participation in a massive land war.

The doctrine of limited war seems like a marvelous concept, but there is nothing limited about a hand shattered by a grenade, a leg blown off by a mine, a life lost to a bullet.

A distinguished American general, on returning from Korea, was asked what he had learned. He replied that he had always enjoyed football and he had involved himself in the game as much as possible. He said that he had learned that you should never send an American boy into a game that you do not want to win. This is what President Nixon is doing in Cambodia. We do not want to pay the price to win in Southeast Asia. Our traditions and ideals prevent it. We should get out.

Up to now President Nixon has had the excuse that he inherited the Vietnam war. We accepted such reasoning because although he has been a continuous and vocal supporter of the Vietnam war we hoped that change was possible through elections and that the candidate did have a plan. Although President Nixon has achieved a limited and modest withdrawal of some American troops, there were frightening similarities between his statements and reasonings and those of the previous administration. It is over a year and 3 months since Mr. Nixon was inaugurated, and it is now time for him to acknowledge that he is President of the United States and that he is responsible for the acts and decisions of the President of the United States. He must decide if he is to fulfill the mandate of his election and stand for change or stand for continuity. His decision to send American advisers into Cambodia is a stand for continuity. He is following the mistakes of the past although the acts are his own.

The American people in the primaries and general election of 1968 voted for change. They voted for an end to the American tragedy in Southeast Asia. Every Member of the Senate must therefore ask, Are we going to allow this Nation to make the same mistakes again? Are we going to send tens of thousands more young men to die in the futile pursuit of a "victory" that must forever elude us?

The time to end this newest folly is now. Let us tell the President we will not follow him down one more blood-soaked jungle path. Let us tell him that the constitutional authority is ours, and we mean at last to exercise it.

CAMBODIA

Mr. HUGHES. Mr. President, this morning I received from a widely respected senior business leader of my State an unusual telegram. This individual, I might add, is a member of a pioneer Iowa family, a man of impeccable conservative credentials, and by no stretch of the imagination a member of my political party.

The text reads as follows:

The following telegram sent to President Nixon: What you have done is incredible. Your cynical, political maneuverings, especially regarding Cambodia, are completely indefensible. You can never justify to us the military presence of the United States, in any manner or form in Cambodia.

I read you this telegram because I believe it marks the end of an era in this country.

The silent majority, of which this civic and business leader has been a faithful member, is no longer silent.

But after a year and a third of disastrous foreign policy under this administration, accompanied by tragic disintegration of our society and economy at home, we are having something else that is silent.

We are having a "silent spring" so far as long-cherished hopes for peace are concerned.

It is now clear that this administration is unable or unwilling to learn from the lessons of the past.

It is now clear that we are engaged in a full-scale war and rapidly escalating war in Indochina.

Mr. Nixon's war.

The President could rightfully say that he inherited the involvement in Vietnam.

But the military and diplomatic gambles that have expanded that involvement to what can now only be called the War in Indochina have been plainly his responsibility.

The disillusionment of a great part of the American citizenry has been abrupt.

The lack of candor of the administration plus the harsh condemnation of all who have dared to disagree with the war policies have stretched the patience of moderate, loyal Americans to the breaking point.

Now the bubble has burst.

The war is an ugly reality.

The progress toward peace has been a hollow semantic.

The only thing that we can say with certainty has been Vietnamized is the American stock market.

Like a rose by any other name, an invasion is an invasion.

All good citizens are mindful of the President's great burdens in time of crisis.

But the escalation of this war is not just a matter of politics. It is a matter of survival.

The President's burdens are shared by every citizen, young and old—parents concerned about their children and grandchildren, young people wondering if there is a future for them.

Tonight Mr. Nixon will be addressing the country, once more, on this latest crisis in Southeast Asia.

I hope that he will speak with frankness, however grim the situation may be.

We have been kept in the dark too long.

Only last week, in his television speech to the people, Mr. Nixon said regarding the planned withdrawal of 150,000 GI's by the end of next spring:

The decision I have announced tonight means that we finally have in sight the just peace we are seeking.

If that peace is in sight to him, it is not in sight to many of the rest of us.

Nor are we reassured by his confidence that "the South Vietnamese can develop the capability for their own defense."

With the electric impulses from the newest move in Indochina spreading in chain reaction to the Middle East and other parts of the world, the time has come for the President to take the American people into his confidence.

RUSSIAN ROULETTE IN THE MIDDLE EAST

Mr. HARTKE. Mr. President, it was with the deepest apprehension that I read yesterday morning of the Soviet Union's new escalation in the Middle East conflict. It has now been established that Soviet airmen are actively participating in Egyptian air defense missions. According to a report in the New York Times, "Russian-speaking pilots flying Mig-21's are scrambling into attack formations at almost every approach by an Israeli plane, with orders to intercept." And although there has not yet been actual combat between Soviet and Israeli forces, the day cannot be far off when a direct clash will occur. When that happens—when the Russians are themselves engaged in a shooting war in the Middle East—a perilous step will have been taken along the road to the fourth, and incomparably most dangerous, all-out conflict in that region since Israel's rebirth.

Commitment of Soviet airmen to combat missions has that same demented logic to it with which we are all too familiar in the strategy of escalation. I wish I could say that we are familiar with it only because of Soviet actions. But the truth is that our own Government wrote the original scenario in Southeast Asia.

But American folly in one corner of the world does not excuse—still less does it justify—Soviet folly elsewhere. Nor does ours make theirs less dangerous.

Active participation of Russians in the Middle East air war follows their deployment in Egypt of SA-3 missiles manned by Soviet crews. The claim in both cases is that the action was purely defensive. In the words of a popular tune of a generation ago, "it seems to me I've heard that song before." We all heard it, of course, in October 1962 when a similarly reckless Soviet move placed intermediate range ballistic missiles in Cuba and very nearly precipitated nuclear war. The present action is only slightly less reckless, but it is every bit as deceitful.

Let me make it clear, Mr. President, that this deep concern we all feel about the presence of Soviet pilots in Egypt has nothing to do with any worry about the outcome of combat between Russians and Israelis. I am fully confident that the individual Israeli pilot is more than a match for the individual Russian. That is not the problem. The problem is that the Soviets, if they choose, can overwhelm the Israelis with numbers. If today they have, as reported, 500 air personnel in Egypt, tomorrow they can have 5,000. And we cannot doubt that they will commit as many men and planes as they need to win the air superiority for which they are obviously aiming.

By the same token we cannot doubt that Soviet-Arab air superiority in the Middle East would be an unmeasurable disaster for Israel. The sheer weight of Arab numbers and Soviet arms would then virtually insure the success of a renewed onslaught against our ally. And that, as I have said before in this Chamber, no American Government could or would countenance. We should then have to intervene actively to protect our own vital interests in the region—an eventuality no responsible American could possibly want.

So again we return to a proposition so fundamental, so inarguable, that it ought by now to be axiomatic. It is that America's vital interests require that Israel be permitted to defend itself. Israel does not now need and never has needed American troops, either as advisers or combatants. It does not even need American largesse. It only needs the right to purchase American arms which it cannot build itself—most especially fighter planes. And it needs our strong diplomatic support—a diplomatic support that is not compromised by the forlorn hope of somehow winning favor with Russia's satellites in the Middle East.

In this connection, I applaud President Nixon's apparent move yesterday to review his earlier ill-considered decision not to sell 125 fighter aircraft to Israel. He is said to be reconsidering that decision in light of the new Soviet escalation. We can only hope that the review will be conducted expeditiously and will result in prompt approval of the aircraft sale. That is the immediate first step we must take to try to bring the Russians to their senses—to make them understand that we are not so preoccupied in Southeast Asia that we are prepared to let our courageous Middle East ally be destroyed. That same message should be conveyed to Moscow in no uncertain terms through all available diplomatic channels.

Today as in 1962 the Soviet leadership is testing our will as well as reaching out for a geopolitical coup. Today as in 1962 we must make it unambiguously clear that we have no intention of presiding over the destruction of a vital American interest in a crucial area of the world.

But unlike 1962, fortunately, we are not called upon to risk nuclear Armageddon to make our intentions known. We need only resume doing what we should have been doing all along—letting Israel pur-

chase the means of its own self-defense, and lending our strong voice to its 22-year-old quest for peace and security and justice in the Middle East.

SENATE CONCURRENT RESOLUTION 62—STRIKING OF COSPONSOR

Mr. DOLE. Mr. President, the name of the Senator from Louisiana (Mr. LONG) was erroneously listed as a sponsor on the first printing of the concurrent resolution. I ask unanimous consent that his name be stricken at the next printing.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY DR. WOLFGANG POHLE OF THE WEST GERMAN BUNDESTAG

Mr. THURMOND. Mr. President, we are honored today to have with us a member of the Bundestag of the Federal Republic of Germany, Dr. Wolfgang Pohle. Dr. Pohle is a member of the Defense Committee of the Bundestag, and is very active in party politics in his country. He is Treasurer of the Christian Social Union, and a member of its Presidium. He is also Chairman of the Committee on Finances for the Christian Democratic Union-Christian Social Union coalition. In addition, Dr. Pohle is well known in industrial circles for his very successful career as a private businessman.

We welcome Dr. Pohle here with us today. He has come to Washington from New York, where it is my understanding that his daughter, an artist, has just opened a successful exhibition of her paintings. I wish to extend my congratulations to Dr. and Mrs. Pohle for their talented family. I hope that Dr. Pohle enjoys his visit to the United States.

I should now like to ask Dr. Pohle to rise and be presented to the Senate.

[Applause, Senators rising.]

SCHOOL FOOD SERVICE PROGRAM—CONFERENCE REPORT

Mr. TALMADGE. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. GRAVEL). The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of Apr. 29, 1970, pp. H3618-H3620, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. TALMADGE. Mr. President, it is with great pride that I ask for the Senate's approval of the conference substitute for the Senate amendment to H.R. 515. The conferees were united in their objective of developing a workable, effective bill; and the conference report is signed by all of the conferees on the part of the Senate and all of the conferees on the part of the House. While the conference substitute retains the major reforms and improvements made in the school lunch program by the Senate amendment, it contains some changes in the interest of a more efficiently administered school lunch program. The pending bill places a positive mandate on each State to extend the school lunch program to every school in the State and to provide a free or reduced price meal to every needy child in the State. Furthermore, the bill makes several important changes in the school lunch program to insure the most efficient utilization of Federal funds and the most effective delivery of school lunches to every needy child in the Nation.

The many reforms and improvements made by the bill have a long history. Of course, we should make it clear that we had a very good program to begin with. The original school lunch program was coauthored in 1946 by two of our most distinguished and beloved colleagues, the Senator from Georgia (Mr. RUSSELL) and the Senator from Louisiana (Mr. ELLENDER). Moreover, these gentlemen, as members of the Senate Appropriations Committee, have been key figures in securing funding for the school lunch program throughout the past two decades, long before there was general national interest in eliminating hunger.

Throughout the years, changes have been made in the school lunch program. The major change was made with the passage of the Child Nutrition Act of 1966. Among other things, this act provided for pilot breakfast programs. Prior to the consideration of the pending bill, however, there has never been an overall reform of the school lunch program, and there has never before been such a concerted effort to see that a free or reduced price lunch is provided to every needy child in the Nation.

During the current session of Congress, the junior Senator from South Dakota has focused national attention on the problem of hunger in the Nation and has aroused the Nation's conscience to the need for action. As a member of the Select Committee on Nutrition and Human Needs, of which Senator McGOVERN is chairman, I am well aware of the Senator's fine work in mobilizing action on this issue. The Senator cosponsored and supported S. 2548, my bill to improve the school lunch program, and I am sure that he takes a great deal of pride in the fact that several of his amendments are retained in the final version of the bill.

I am especially grateful for the way in which Chairman ELLENDER has cooperated in the expeditious passage of the

pending legislation. When I introduced S. 2548, the chairman was quick to schedule hearings on my bill and the other school lunch bills pending before the Agriculture Committee. As the original author of the school lunch program, the chairman expressed keen interest in making the needed improvements and reforms during the current session of Congress. He was especially helpful in securing prompt approval of S. 2548 by the Agriculture Committee, and the committee's deliberations were enriched by the chairman's knowledge of the school lunch program.

I might add that the entire Agriculture Committee—from the Chairman to the most junior member—cooperated in securing the adoption of the best possible school lunch bill.

Mr. President, although the conference substitute contains several changes, it has retained intact most of the provisions of the Senate amendment. Some major provisions of the Senate amendment which were retained are as follows:

1. The restriction of the price of a reduced cost lunch to not more than 20 cents.
2. Keeping appropriations available until expended.
3. Revising the formula for apportioning non-food assistance funds and the establishment of an authorization level for non-food assistance foods.
4. Establishment of a National Advisory Council on Child Nutrition.

The conference substitute contains most of the other provisions of the Senate with only such technical modifications as were required to make it achieve its purposes. The differences are as follows:

First, the conference substitute provides for a free or reduced price lunch for each child belonging to a household whose income is below the poverty level, as determined annually by the Secretary of Agriculture, whereas the Senate amendment provided a free lunch for each child belonging to a household receiving Federal food aid or having an income equivalent to \$4,000 or less for a family of four. First priority would be given to providing free meals to the neediest children. The conferees felt that our efforts should be directed to taking care of the children at the poverty level before providing free or reduced price lunches for those above that level.

Second, the conference substitute limits the special assistance funds disbursed to each school under section 11 of the National School Lunch Act to a maximum per meal amount established by the Secretary for all States. The Senate amendment contained no limitation.

Third, the conference substitute would require State plans to be submitted by January 1 each year, instead of June 1 as provided in the Senate amendment. This would give the States adequate time after the passage of the bill to prepare the first report.

Fourth, the conference substitute requires the State plan to describe how the State will furnish a free or reduced price lunch—instead of free lunch only as provided by the Senate amendment—to every needy child in accordance with section 9 of the National School Lunch Act.

Fifth, the conference substitute omits the deadline—start of 1972-73 school year—imposed by the Senate amendment on the requirement that State plans describe the manner in which the State educational agency proposes to include every school in the State in the operation of the school lunch program. It also provides that the plan show how the State educational agency proposes to "extend" the program to every school—rather than "include" every school in the program as provided by the Senate amendment. This would make it clear that the inability to achieve this objective would not result in terminating the program in any school. This was in accord with the intention of the sponsors of this provision in the Senate.

Sixth, the conference substitute provides for semiannual reports as to the estimated number of children entitled to free or reduced-price lunches where the Senate amendment provided for monthly reports as to the actual number so entitled. The Senate amendment would have required a practically continuous survey of the incomes of the children's households, and this was not deemed feasible.

Seventh, where the Senate amendment would have provided for the apportionment of special assistance funds under section 11 of the National School Lunch Act on the basis of the number of children attending school in households with incomes equivalent to \$4,000 or less for a family of four, the conference substitute would apportion the funds on the basis of the number of children age 3 to 17 in households with incomes of less than \$4,000. Census data is not available as to the number of children attending schools and belonging to households of various income levels. It is possible that data could be obtained as to the number of children age 3 to 17 in households of varying income levels, but data is already available with respect to children of those ages in families with incomes of less than \$4,000. The conference substitute provides a more workable manner of distributing these funds.

Eighth, the conference substitute provides for withholding funds for disbursement to private schools under section 11 of the National School Lunch Act—in States where the State agency is not permitted to disburse funds to private schools—on the basis of the number of free or reduced price lunches served in accordance with section 9 of the act in the fiscal year beginning 2 years immediately prior to the fiscal year for which the funds are appropriated. The Senate amendment provided for such withholding on the basis of the number of children attending private schools in households with incomes equivalent to \$4,000, or less for a family of four. The data required by the Senate amendment is not available. Again, the purpose of the conference substitute is to provide a feasible method of distributing the funds.

Ninth, the conference substitute would increase the appropriation authorization for the school breakfast program for fiscal 1971 to \$25 million—from \$12 million. The Senate amendment contained a sim-

ilar provision, but also completely revised section 4 of the Child Nutrition Act of 1966, which deals with the school breakfast program. The school breakfast program is still in a pilot program status. The conferees felt that the pilot program should be carefully studied and be the subject of hearings before the authority for it should be the subject of revision. The program will expire at the end of fiscal 1971, and it can be studied before that expiration.

Mr. President, the enactment of the pending legislation will be an important bench mark in the Nation's fight against hunger. This bill will be the first major antihunger bill to come out of the current national concern with eradicating hunger and malnutrition.

However, we must not forget that our task does not end with the passage of this legislation. Although the pending bill provides an excellent vehicle for the extension of school lunches to all the hungry children in the Nation, it will have little meaning without proper funding. Due to several features of the pending bill, a tremendous increase of funds will be necessary. The nationwide eligibility standard and the requirement that all States extend the school lunch program to every school within the State will necessitate the appropriation of at least \$300 million above the administration's budget request for fiscal 1971. The \$684 million requested by the administration for child nutrition did not take into account the greatly expanded school lunch program which will be created by the passage of the pending bill.

The school lunch program has many friends on the Appropriations Committees of both Houses. I am sure that these gentlemen will be happy to reassess our Federal responsibility under the terms of a greatly expanded school lunch program.

The proper funding of a greatly expanded school lunch program will meet our national responsibility to extend free or reduced-price lunches to every needy child in the Nation. It will fulfill my personal commitment, made a year ago during a tour of the school lunch program in Georgia, that no child who comes to school hungry will go home hungry.

Mr. President, I ask unanimous consent to have printed in the RECORD an explanation of the conference substitute, and a comparison of the conference substitute with the House bill and the Senate amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATION OF CONFERENCE SUBSTITUTE FOR SENATE AMENDMENT TO H.R. 515

The conference substitute for the Senate amendment to H.R. 515 would amend the National School Lunch Act and the Child Nutrition Act of 1966 to—

(1) Authorize appropriations 1 year in advance of the fiscal year in which they will become available and make them remain available until expended (section 1);

(2) Base the school lunch apportionment on the number of lunches served during "the fiscal year beginning 2 years immediately prior to the fiscal year for which the Federal funds are appropriated" rather than the "preceding fiscal year" (section 1);

(3) Provide for apportionment of nonfood assistance funds on a basis more closely related to the need for such funds (section 2);

(4) Authorize the use of up to 1 percent of School Lunch and Child Nutrition Act funds for nutritional training and education and studies of food service requirements (section 3);

(5) Authorize direct distribution of foods under section 6 of the School Lunch Act to schools and service institutions participating in food service programs under the Child Nutrition Act and section 13 of the School Lunch Act (section 3);

(6) Require that State revenues represent a percentage of the local School Lunch Act matching requirements (beginning at 4 percent and rising to 10 percent) (section 4);

(7) Provide for a free or reduced price lunch for any child in a household which has an income below the poverty level (as determined by the Secretary of Agriculture), the reduced price lunch to cost not more than 20 cents; but neither of these provisions are to be applicable to private schools receiving funds under section 10 of the school lunch Act until sufficient funds are available from sources other than children's payments (section 6);

(8) Provide for publicly announced policies with respect to free or reduced price lunches, and extend the requirements for such lunches to schools which are not in the national school lunch program but receive Federal commodity donations (section 6);

(9) Prohibit overt identification of children receiving free or reduced cost meals (section 6);

(10) Authorize appropriations for special assistance in such amounts as may be necessary to assure school lunches for every poor child, provide for apportionment of such funds to States on the basis of the number of children aged 3 to 17 in households with incomes of less than \$4,000 per year (withholding for private schools, where required, to be on the basis of past service of free or reduced price lunches) and to schools on the basis of need, and provide up to 100 percent of the cost of the program, subject to a maximum per meal limit fixed by the Secretary for all schools (section 7);

(11) Require each State, as a prerequisite to receipt of Federal funds, to submit an annual State plan, which must describe the manner in which the State agency proposes to extend the national school lunch program to every school (section 7);

(12) Require semi-annual estimates as to the number of children eligible for free or reduced price lunches, and monthly reports of the number receiving free lunches and the number receiving reduced price lunches (section 7);

(13) Authorize the Secretary to permit funds appropriated for any program under those acts to be used by the States for any other such program (section 8);

(14) Authorize use of up to 1 percent of the funds available for apportionment to States under those acts for special developmental projects (section 8);

(15) Provide for a National Advisory Council on Child Nutrition (section 9);

(16) Increase the appropriation authorization for fiscal 1971 for the breakfast program to \$25 million (from \$12 million); and

(17) make other minor changes.

DIFFERENCES BETWEEN H.R. 515, AS PASSED BY THE HOUSE OF REPRESENTATIVES, THE SENATE AMENDMENT THERETO, AND THE CONFERENCE SUBSTITUTE FOR THE SENATE AMENDMENT

(1) *Section 6(a) of the Senate Amendment* provides that the charge for a reduced-cost lunch may not exceed 20 cents. This is not in House bill. This is contained in conference substitute.

(2) *Section 6(b) of the Senate Amendment* requires the serving of a free lunch to any child who is a member of a household

which (1) is eligible to participate in a Federal food stamp or commodity distribution program, or (2) has an annual income (to be established solely by affidavit) equivalent to \$4,000 or less for a household of four. This is not in House bill. The conference substitute requires the serving of a free or reduced price lunch to any child who is a member of a household whose income is at or below the poverty level, as determined by the Secretary of Agriculture.

(3) *Section 1 (a) of the Senate Amendment* provides that National School Lunch and Child Nutrition appropriations shall remain available until expended. This is not in House bill. It is in the conference substitute.

(4) *Section 4 and 1(b) of the Senate Amendment* make a number of technical corrections in sections 2(b) and 2(c) of H.R. 515 to make them achieve their purpose, and advance the effective date of subsection 2(b) of July 1, 1971. Section 2(b) and 2(c) of the House bill provide for State participation in funding of programs and for apportionment of section 4 funds (school lunch Act) upon the basis of earlier date. The conference substitute adopts the provisions of the Senate amendment.

(5) *Section 3 of the Senate Amendment* makes technical and clarifying changes in section 3 of H.R. 515. The conference substitute follows the Senate amendment.

(6) *The Senate Amendment* does not extend any additional provisions of the School Lunch and Child Nutrition Acts to the Trust Territory of the Pacific. Section 4 of the House bill is designed to do this, but would need some revision to be effective. The conference substitute follows the Senate amendment.

(7) *The Senate Amendment* does not amend section 5 of the Child Nutrition Act of 1966 to specify that equipment may be acquired through "purchase or rental", as does section 5 of the House bill. USDA advises that the law is now construed to permit acquisition through purchase or rental. The conference substitute follows the Senate amendment with the understanding that the law is to be construed to permit acquisition through purchase or rental.

(8) *Section 5 of the Senate Amendment* makes technical and clarifying changes in section 6 of H.R. 515, which deals with State administrative expenses. The conference substitute follows the Senate amendment.

(9) *Section 6(e) of the Senate Amendment* extends section 7 (a) of H.R. 515 to cover donations of dairy products under section 709 of the Food and Agriculture Act of 1965. Section 7 (a) of the House bill authorizes the Secretary to prescribe conditions to maximize the nutritional and financial contributions of commodities donated to schools under section 32 of P.L. 320, 74th Congress and section 416 of the Agricultural Act of 1949. The conference substitute adopts the provision of the Senate amendment.

(10) *Section 6 (e) of the Senate Amendment* provides that the Senate provisions described in items (1) and (2) above shall apply to schools receiving donated commodities even though they do not participate in the National School Lunch Act; but that they shall not apply to private schools for which the Secretary withholds funds under section 10 of the National School Lunch Act until such schools receive sufficient funds other than from children's payment to enable such schools to meet such requirements. The conference substitute adopts this provision of the Senate amendment.

(11) *Section 8 of the Senate Amendment* makes clarifying changes in section 7 (b) of H.R. 515. The conference substitute includes these changes.

(12) *The Senate Amendment* omits section 8 of H.R. 515, which provides for certain coordinated efforts by the Secretaries of Agriculture and Health, Education, and Welfare to develop training programs and evalu-

ate food programs. The conference substitute follows the Senate amendment.

(13) *The Senate Amendment* contains provisions not in the House bill to—

(A) Provide for apportionment of nonfood assistance funds on a basis more closely related to the need for such funds (section 2). The conference substitute adopts this Senate provision.

(B) Authorize appropriations for special assistance in such amounts as may be necessary to assure school lunches for every poor child, provide for apportionment of such funds to States on the basis of the number of school children in families with incomes equivalent to \$4,000 or less per year for a family of four (withholding for private schools, where required, to be on the same basis) and to schools on the basis of need, and provide up to 100 percent of the cost of the program (section 7). The conference substitute adopts the substance of the Senate provision, but modifies the apportionment formula to use data which is available. Apportionment to States would be based on the number of children age 3 to 17 in households with incomes of less than \$4,000. Withholding for private schools would be based on past service of free or reduced price lunches. Distribution to schools would be limited to a maximum per meal amount established by the Secretary.

(C) Require each State, as a prerequisite to receipt of Federal funds, to submit an annual State plan, which must describe the manner in which the State agency proposes to include every school in the national school lunch program by the start of the 1972-73 school year (section 7(h)(1)). The conference substitute follows the Senate provision, but omits the 1972-73 deadline, and requires the State plan to describe the manner in which the State agency proposes to extend the program to every school (rather than "include" every school).

(D) Require monthly reports as to the number of children eligible for free or reduced price lunches, respectively, and the number receiving such lunches (section 7(h)(2) and (3)). The conference substitute follows the Senate provision; but, as to the number of children eligible for free or reduced price lunches, requires semi-annual estimates rather than monthly actual figures, since monthly actual figures would be practically impossible to obtain.

(E) Provide for a National Advisory Council on Child Nutrition (section 9). The conference substitute adopts the Senate provision.

(F) Revise the school breakfast program to (i) restrict it to needy children, (ii) provide for apportionment of school breakfast funds on the basis of the number of school children in families with incomes equivalent to \$4,000 or less per year for a family of four (withholding for private schools, where required, to be as at present on the basis of past participation), (iii) provide for a free or reduced price breakfast for any child in a household which is eligible to participate in a Federal food stamp or commodity distribution program or which has an annual income equivalent to \$4,000 or less for a family of four, and (iv) extend and increase appropriation authorizations for the breakfast program (from \$12 million for fiscal 1971 to \$25 million for fiscal 1971, \$50 million for fiscal 1972, and \$75 million for fiscal 1973. The conference substitute adopts the Senate provision increasing the authorization for fiscal 1971, but omits the remainder of the Senate provision, with the understanding that the entire school breakfast program authority will be reviewed before its expiration in 1971.

Mr. McGOVERN. Mr. President, I rise, first, to commend the distinguished Senator from Georgia (Mr. TALMADGE) for being the principal author of the school

lunch legislation now before us. I was happy to be a cosponsor of that legislation when the Senator first introduced it, along with the distinguished Senator from New York (Mr. JAVITS), the senior member of the select committee, and others, to join in an effort on the floor in what we believed were a series of helpful improvements in that legislation.

As the Senator from Georgia has just said, the House and Senate conferees earlier this week gave approval to practically all the fundamental provisions in the Senate legislation. Some compromises were reached, some of which, I thought, actually strengthened the legislation, and others perhaps modified it in a different direction but in a minor way. Substantially, we came out with a very strong school lunch program, one that is, I think, commensurate with the pledges we have made to see that no child goes hungry in the school rooms of this Nation.

Mr. President, this is an historic day for the children of America. We have long said that our children are our Nation's greatest resource. Today we deal with legislation that affirms that principle; that redeems a promise made to our school children 25 years ago—a school lunch for every needy child.

The school lunch program is perhaps as successful as any Federal program. A great deal of the credit for this rests with the distinguished chairman of the Committee on Agriculture and Forestry, the Senator from Louisiana (Mr. ELLENDER), and the distinguished ranking minority member of the committee, the Senator from Vermont (Mr. AIKEN). But the program has come to be one that serves some better than others, and some not at all. It is a program where that old saying "Them that has gets" is all too true. Two-thirds of our poor children receive no lunch because they or their schools cannot afford it—while over 17 million children from more affluent families pay their 35 cents daily and take the program for granted. Three years ago the excellent study, "Their Daily Bread," brought this situation to our attention and made us aware of the need for legislative change in the national school lunch program. That started us on the road that led to this day. Along that road many came to the assistance of the Nation's children.

Last December President Nixon convened the White House Conference on Food, Nutrition, and Health. The Conference brought together 3,000 concerned citizens interested in the nutritional health of our Nation and especially that of our children. Some who came knew what it was to be poor and suffer from hunger—all knew it hurt and wanted it ended.

These 3,000 delegates unanimously endorsed a priority action program to eliminate hunger in America: That program called for a universal child-feeding program in the near future and a school lunch for every needy child immediately. This recommendation was not the result of a 3 day deliberation at the Conference. It was the result of the urgent cry of experts like Miss Jean Fairfax

who produced "Their Daily Bread" and Dr. Charles Lowe who warned us in testimony before the Select Committee on Nutrition and Human Needs that while "There is no evidence that feeding people makes them smart, but it is indisputable that hunger makes them dull."

Last December President Nixon answered the concern of the White House Conference, Miss Fairfax, Dr. Lowe, and us all by pledging that every needy school child would receive a free or reduced price lunch in school by next Thanksgiving.

February 24 the Senate unanimously passed an amended version of S. 2548 that provided the President with the legislative mechanism necessary to fulfill this vow.

The Senate in effect unanimously said we want to guarantee every one of the hungry schoolchildren in our land the right to a school lunch.

After 25 years of inaction the first step was taken toward making the rhetoric of "a school lunch for every child" a reality.

This was possible because the Senator from Georgia (Mr. TALMADGE) brought to the floor of the Senate, with the endorsement of the Committee on Agriculture and Forestry the best school lunch bill this body had ever introduced.

This bill provided for such long demanded reform as authorization for year-in-advance appropriations; carryover authorization; State matching from State revenues; and a greatly increased authorization for equipment.

The bill that finally passed the Senate and went back to the House included amendments that defined the price of reduced price meals as no more than 20 cents; required the States to submit annual plans describing the States' proposed use of available monies to serve free lunches to all eligible children and the States' attempt to bring every school within the State into the national school lunch program; and most important of all, created a right in any needy child to receive a school lunch.

Thus, it was a very comprehensive bill that the Senate sent back to the House where this whole round of legislative reform had begun under the astute leadership of the distinguished chairman of the Committee on Education and Labor, and sponsor of H.R. 515.

The conference report on H.R. 515 which is pending before us now, continues in the word and the spirit of the President's December pledge and the Senate passed bill. Its objective is to bring a school lunch to every needy child through legislatively improved administrative procedures in the school lunch program.

It retains year-in-advance appropriations; carryover authorization; State matching from State revenue; increased authorization for equipment; improved allowances for State administrative expenses; apportionment of funds to the States on the basis of need rather than past participation; State plans and State reporting; an increased authorization for breakfast funds; self certification by affi-

davit only; and the requirement that any school not participating in the national school lunch program but receiving section 32 or section 416 commodities be bound to the provisions of section 9 of the national school lunch act pertaining to the service of meals without cost or at reduced price to needy children.

Even more important, the conference report retains the language of section 6 of S. 2548 that every needy child "shall be served meals." This is perhaps the most important phrase in all the legislation dealing with child nutrition. It creates, as the distinguished Representative from Illinois, Mr. PUCINSKI, so eloquently stated it during the conference, "a right to a school lunch." This is a right bestowed on the children of America. A right that we expect will be vigorously exercised in their behalf.

Without this vital language, and the right it creates, all our efforts at reform would be meaningless and empty. Our children would have only a promise, a hope rather than a right.

By using this language of entitlement, the Congress has made a firm commitment that it will not allow 5 million hungry schoolchildren to grow up half educated, unemployable, and dependent because they lacked proper nourishment during their formative years when they were undergoing the learning process.

This is a commitment that entails adequate funding. The Senate committed itself to it on February 23 of this year when it demanded an open ended authorization for this program while rejecting an authorization that called for \$250 million in fiscal year 1971. At the time, it was made clear that this was done so that the Appropriation Committee would be free to appropriate all the money that would be necessary to fully fund the national school lunch program.

With this commitment in mind, I strongly recommend the conference report on H.R. 515 to the Senate for its approval.

Mr. TALMADGE. Mr. President, let me

express my deep appreciation to the distinguished Senator from South Dakota for his generosity. As I pointed out in my remarks to the Senate, the Senator from South Dakota made a major contribution toward approval of the bill not only as a cosponsor thereof but also as chairman of the Committee on Nutrition and as a member of the conference committee. I share with him the pride of accomplishment in what I think is a major piece of legislation.

Mr. SPONG. Mr. President, I want to commend the Senator from Georgia (Mr. TALMADGE) for his work on the school lunch legislation.

I believe that he has performed an extremely fine service in drafting and piloting this legislation through Congress.

I was present last year when Senator TALMADGE introduced the school lunch amendments which, as he said, were designed "to insure that no child who came to school hungry would go home hungry."

I was privileged to cosponsor his bill and to testify in support of it before the Senate Agriculture Committee.

The school lunch program is, I believe, one of our most important Federal programs. It has broad potential—potential which this bill will help fulfill.

Last year, I visited a number of school lunch programs throughout the State of Virginia. I had numerous school and medical personnel tell me of the benefits of the program: That children who had been properly fed were more alert, more anxious to learn, less of a discipline problem.

Recent medical studies have tended more and more to demonstrate a direct relationship between good nutrition and mental development.

Fortunately, my State of Virginia has had a relatively high participation rate in the school lunch program—about 57 percent of all schoolchildren in the State participate.

Unfortunately, however, at least 100,-

000 Virginia schoolchildren who need access to the school lunch program do not now have such access.

Under the terms of the conference bill, these children could be brought under the program.

There is, it seems to me, no doubt that we need a school lunch program in every school and that every hungry child needs access to that program.

That was my purpose in cosponsoring this legislation and that is my purpose in supporting it today.

The language in the conference bill is direct.

It says that as of January 1, 1971:

Any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guidelines shall be served meals at free or reduced costs.

That is the heart of this bill.

And that provision will be reinforced by the provisions which give the States a valid and important role in carrying out the program.

This is a good bill.

It is good so far as the school lunch program is concerned and so far as the school breakfast program is concerned.

It is also a significant bill, for, as Senator TALMADGE pointed out earlier, it is the first major hunger and malnutrition bill to pass Congress, as a result of current concern over improving the nutritional status of millions of Americans.

It is the first bill to reach enactment making actual reforms in a nutrition program.

It attacks the nutrition problem where it is, perhaps, most severe and most damaging.

I am pleased to support this legislation.

I ask unanimous consent to have printed in the RECORD a table indicating Virginia's participation in the existing program during 1969.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SUMMARY OF SCHOOL FOOD SERVICE PROGRAMS, FISCAL YEAR 1969

Program	Number of schools with programs	Average number of pupils served daily			Total meals served	Federal reimbursement	Local operating cost
		Free or partially paid	Paid	Total			
Breakfast.....	54	4,965	3,984	8,859	885,910	\$129,370.10	-----
Lunch.....	1,763	86,541	466,196	574,666	100,383,500	5,928,207.58	-----
Milk.....	1,801	-----	-----	49,424,367	149,807,867	1,811,560.55	-----
Nonfood (equipment).....	264	-----	-----	-----	-----	549,970.85	-----
Total reimbursement.....	-----	-----	-----	-----	-----	8,415,248.64	-----
Local operating cost.....	-----	-----	-----	-----	-----	-----	\$47,077,693.26

1 One-half pints.

Source: State Department of Education, Commonwealth of Virginia, School Lunch Division.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. SPONG. I yield.

Mr. TALMADGE. Mr. President, I express my deep appreciation to the Senator for his generosity. The Senator from Virginia was a cosponsor of the bill I offered which was the genesis of this bill. He made a major contribution to its passage. I appreciate it. And I thank him for his interest.

Mr. SPONG. Mr. President, I thank the Senator.

MR. JAVITS ENDORSES CONFERENCE REPORT ON H.R. 515

Mr. JAVITS. Mr. President, I, too, thank the Senator from Georgia, who is primarily responsible for this bill. The Senator from Georgia took distinguished leadership in bringing the bill to its present state, and we have every expectation that it will become law.

I thank the chairman of the Committee on Agriculture and Forestry (Mr. ELLENDER), with whom I worked so closely on the Select Committee on Nu-

trition and Human Needs, and I also thank the other Senators who took part in this splendid effort which resulted in these major improvements to the National School Lunch Act. I wish to express a particular vote of thanks to Senator McGOVERN, the chairman of the Select Committee on Nutrition and Human Needs, for his fine efforts in improving our school lunch program.

The Senate is today considering the conference report on H.R. 515, to amend the National School Lunch Act. As the

ranking Republican on the Select Committee on Nutrition and Human Needs, and as the sponsor of one of the Senate amendments to S. 2548 which passed the Senate overwhelmingly on February 24. I urge the Senate to adopt the conference report.

My amendment would have established a national eligibility standard to assure that all children from families with incomes equivalent to or less than \$4,000 would receive free lunches. The conference substitute deleted this \$4,000 standard in favor of making the standard the poverty level as determined by the Secretary of Agriculture. I accept this change. My major purpose in introducing my amendment was to establish a national standard. I feel that the conference action will not only maintain this principle, but in fact, may even be much broader since the poverty level is now approximately around \$3,600 and will surely rise above \$4,000 within a few years. Also, and very important, the poverty level standard is a minimum level and is not a ceiling. Therefore, children who meet the poverty level criteria in a state like New York where the poverty level is above the national level, would still get free and reduced price lunches.

Under this standard, set in the conference report, States and local schools will no longer be able to be arbitrary in the determination of which children will receive free or reduced price meals as was the case in the past. The law will be clear: any child at poverty level must receive a free or reduced price lunch and priority for free lunches must be given to neediest children. This makes the intent of the Congress crystal clear that poor children can no longer be denied free or reduced cost lunches.

I am pleased that the conference adopted my provision which set 20 cents as the maximum cost of a reduced price lunch. The purpose of reduced cost lunches is to bring meals to children who could not afford the meal at the regular price. The previous lack of definition allowed districts to provide reduced cost meals at only a trivial reduction off the regular price. I believe that by establishing 20 cents to be the maximum cost of such lunches, participation in the lunch program by needy children will mushroom. Studies have shown that the lower the price, the greater the participation.

The conference report also maintained my provision for determination of income solely on the basis of an affidavit executed in such form as the Secretary of Agriculture may prescribe. I am pleased with this action because it complements the trend in many of our domestic programs to use the affidavit as the basis for determining income eligibility. I cannot stress strongly enough that this affidavit must control in the determination of eligibility for free and reduced price lunches.

The conference report also contains a provision which I believe is most necessary: that there shall be no overt identification of the recipients of free or reduced price lunches. This is of critical importance because of the dignity which

it confers upon the poor. This anonymity is very crucial and is very necessary in order to bring those children into the program who in the past, because of the stigma of identification, did not choose to participate in the program.

I urge the Congress to appropriate the funding necessary to provide every needy child with a free or reduced price lunch. At the very least, I feel we need \$300-\$400 million more for free and reduced price lunches.

Finally Mr. President, our goal must be to give all needy children a free lunch. I am hopeful that we can accomplish this in the very near future and the action of the House-Senate conference will go a long way toward the accomplishment of this objective.

Mr. TALMADGE. Mr. President, I express my deep gratitude to the distinguished Senator from New York for his assistance. The Senator from New York (Mr. JAVITS) made a major contribution of his own toward the passage of this legislation. He authored a bill and appeared before our committee and testified in behalf of his bill.

The Senator from New York offered amendments on the floor, several of which were agreed to. So, this bill contains a major share of his handiwork and he can take pride in that fact.

Mr. JAVITS. I do. And I again repeat that it would not have been possible without the understanding and cooperation of the Senator from Georgia.

Mr. TALMADGE. Mr. President, I thank the Senator.

Mr. DOLE. Mr. President, the school lunch program was started in 1943. Its value has never been questioned. As is often the case, however, the administration of a legislative program does not always meet the expectation or intent of the creators. This problem of interpretive implementation of the school lunch program coupled with normal social and educational changes have highlighted the need to correct the problems of nutrition and hunger among the school children of the United States today.

As a member of the Senate Select Committee on Nutrition and Human Needs and the Senate Agriculture and Forestry Committee, I have seen the need to update the school lunch program. In examining the conference committee report on H.R. 515, I am pleased to note that the conferees' recommendations embody the basic principles of S. 2548 as originally reported from the Committee on Agriculture and Forestry which I supported.

The recent report of the White House Conference on Food, Nutrition, and Health contains many recommendations which are fulfilled in H.R. 515. The report emphasizes that malnutrition is severely distracting to a child and may interfere with the learning process and is likely to precede undernutrition. The report suggests that one effective way to take immediate action against this problem is to provide expansion of the school lunch and breakfast programs. This legislation provides that recommended expansion.

With this legislation a child from a low-income family will receive his meals free or at reduced rates without any

stigma or discrimination. All children will be able to listen and study free from hunger pains and unexposed to ridicule of their poverty status.

The White House report also stresses that presently many of the schools that need the school nutrition programs the most cannot afford the kitchen and serving equipment necessary to qualify for the program. This bill will make it possible for professional catering firms to rent the equipment to a school or even prepare and serve the meals on a contract basis. When passed, the National School Lunch Act and the Child Nutrition Act amendments will assure proper adequate and nutritious meals for all students, especially the children from lower income and poverty families. This will eliminate a hindrance these children have faced. It will aid them in assimilating the education so important to success in their mature lives.

Therefore, I urge the Senate to support H.R. 515 as reported from the conference committee in the interest of insuring equal opportunity in education through adequate nutrition.

I commend the Senator from Georgia for his excellent work.

Mr. BYRD of West Virginia. Mr. President, I am pleased to support and vote for the conference report to H.R. 515. This legislation will amend and broaden the National School Lunch Act and the Child Nutrition Act of 1966. It provides for much needed administrative reforms, revises the State matching requirements, strengthens the nutrition training and education programs, and increases the availability of these needed food service programs for our children.

This legislation will go a long way toward eradicating hunger among our school children. Our country—the richest in the world—can and should continue to operate these programs so that no child attends school on an empty stomach.

In my State of West Virginia, we have some 321,000 school-age children. Over half of these children will benefit by these programs.

It will mean that learning will still be of foremost importance, but it will mean normal growth and proper nutrition for an increased number of our children. It will be a small investment for a high return from our greatest national asset—for our hopes for the future rest with the children of today.

Mr. TALMADGE. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia.

The report was agreed to.

INSERTIONS IN THE RECORD

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the RECORD be kept open for 1 hour after adjournment today for the insertion of statements and introduction of bills personally by Senators.

The PRESIDING OFFICER. Without objection, it is ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

REPORT ON PROJECTS PROPOSED TO BE UNDERTAKEN FOR THE NAVAL RESERVE

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, a report on projects proposed to be undertaken for the Naval Reserve subsequent to June 30, 1970 (with an accompanying report); to the Committee on Armed Services.

AMENDMENT OF TITLE 10, U.S. CODE, TO PROVIDE FOR THE APPOINTMENT OF FEMALE OFFICERS IN THE JUDGE ADVOCATE GENERAL'S CORPS, REGULAR ARMY

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend title 10, United States Code, to provide for the appointment of female officers in the Judge Advocate General's Corps, Regular Army (with an accompanying paper); to the Committee on Armed Services.

REPORT ON DEPARTMENT OF DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on Department of Defense procurement from small and other business firms, for the period July 1969-February 1970 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON NATIONAL ATMOSPHERIC SCIENCES PROGRAM

A letter from the Chairman, Federal Council for Science and Technology, Washington, D.C., transmitting, pursuant to law, a report on the national atmospheric sciences program, fiscal year 1971 (with an accompanying report); to the Committee on Commerce.

PUBLICATION OF FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, Washington, D.C., transmitting, for the information of the Senate, a publication entitled "Sales by Producers of Natural Gas to Interstate Pipeline Companies, 1968" (with accompanying document); to the Committee on Commerce.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on problems in land acquisitions for national recreation areas, National Park Service, Department of the Interior, dated April 29, 1970 (with an accompanying report); to the Committee on Government Operations.

NOTICE OF PROPOSED CONTINUANCE OF CLASSIFICATION OF PUBLIC LANDS FOR TRANSFER OUT OF FEDERAL OWNERSHIP

A letter from the State Director, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, a notice of proposed continuance of classification of public lands for transfer out of Federal ownership (with an accompanying paper); to the Committee on Interior and Insular Affairs.

PROPOSED CONCESSION CONTRACT IN GLACIER BASIN AND MORaine PARK AREAS OF ROCKY MOUNTAIN NATIONAL PARK, COLO.

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract in Glacier Basin and Moraine Park areas of Rocky Mountain National Park, Colo. (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON RECEIPT OF PROJECT PROPOSAL UNDER THE SMALL RECLAMATION PROJECTS ACT OF 1956

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on the receipt of a project proposal to supplement a previously approved loan application from the Central Oregon Irrigation District, of Redmond, Oreg.; to the Committee on Interior and Insular Affairs.

PROPOSED MODIFICATION OF BOUNDARIES OF THE COEUR D'ALENE, NEZPERCE, PAYETTE, BOISE, SAWTOOTH, AND TARGHEE NATIONAL FORESTS, IDAHO

A letter from the Under Secretary of Agriculture, transmitting a draft of proposed legislation to modify the boundaries of the Coeur d'Alene, Nezperce, Payette, Boise, Sawtooth, and Targhee National Forests in the State of Idaho, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORT ON MEXICAN AMERICANS AND THE ADMINISTRATION OF JUSTICE IN THE SOUTHWEST

A letter from the Chairman, United States Commission on Civil Rights, Washington, D.C., transmitting, pursuant to law, a report on Mexican Americans and the administration of justice in the Southwest, dated March, 1970 (with an accompanying report); to the Committee on the Judiciary.

LABOR-MANAGEMENT DIFFICULTIES AT THE U.S. GOVERNMENT PRINTING OFFICE

A letter from the Public Printer, U.S. Government Printing Office, reporting, for the information of the Senate, on labor-management difficulties at the U.S. Government Printing Office; to the Committee on Rules and Administration.

PETITIONS

Petitions were presented or laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF).

A concurrent resolution of the Legislature of the State of Florida; to the Committee on Aeronautical and Space Sciences:

"S. CON. RES. 503

"A concurrent resolution requesting the National Aeronautics and Space Administration to designate Cape Kennedy as the operational base for the space shuttle system

"Whereas, the space shuttle—a reusable low-cost rocket for ferrying men and materials back and forth between earth and space stations—is the next big essential piece of hardware for the U.S. space exploration program; and

"Whereas, the Kennedy Space Center is the most modern and complete space port in the world; and

"Whereas, over 2½ billion dollars is already invested in the extensive facilities at the Kennedy Space Center and down range facilities; and

"Whereas, these facilities include extensive assembly, pre-launch checkout, cryogenic hydrogen and oxygen storage, launch and support capabilities; and

"Whereas, a down range tracking capability exists at the nearby Eastern Test Range facility; and

"Whereas, a 10,000 foot runway for landing and returning the booster and orbit stage is in existence; and

"Whereas, a highly skilled team of 18,000 operations, maintenance and assembly personnel are at the Cape; and

"Whereas, the launch of space shuttles over the water add immeasurably to the safety of development flights of the system; and

"Whereas, advantage can be taken of exist-

ing facilities for assembly of vehicles after delivery and refurbishment of vehicles after each flight; and

"Whereas, Cape Kennedy is easily accessible by all modes of transportation; and

"Whereas, construction costs in the area are cheaper than other areas of the country which might be possibly considered; and

"Whereas, there are 88,000 acres of government land available for expansion if needed; and

"Whereas, Florida Industry received over 422 million dollars in income from the sale of goods and services to the Kennedy Space Center last year; and

"Whereas, the educational support and opportunities provided by higher educational institutions in the immediate area and throughout Florida have and will continue to contribute significantly to the success of NASA and industry; and

"Whereas, the Kennedy Space Center offers a unique aggregate of facilities which are not available at any other possible site for development and operational flights of the space shuttle system at minimum cost to the U.S. taxpayer; and

"Whereas, the Science and Astronautics Committee of the United States House of Representatives in its report on the Fiscal 1970 budget states that "maximum use should be made of existing facilities to support the space shuttle program" and that "the extensive launch and checkout capabilities at the Kennedy Space Center . . . should receive early and most careful consideration": Now therefore,

"Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

"That the National Aeronautics and Space Administration is hereby requested to designate Cape Kennedy as the operational base for the space shuttle system.

"Be it further resolved that copies of this resolution be forwarded to the President of the United States, the Director of the National Aeronautics and Space Administration, President of the United States Senate, Speaker of the United States House of Representatives and to each member of the Appropriations and Aeronautical and Space Sciences Committee of the United States Senate and the Appropriations and Science and Astronautics Committees of the United States House of Representatives.

"Approved by the Governor April 15, 1970.

"Filed in Office of Secretary of State April 15, 1970."

A resolution of the Senate of the State of Hawaii; to the Committee on Appropriations:

"S. RES. 100

"Resolution requesting Hawaii's congressional delegation to make efforts to obtain Federal funds for the construction of a second breakwater at Port Allen, Kauai, Hawaii.

"Whereas, the United States Navy uses the Port Allen harbor for underwater testing and therefore has an interest in maintaining safety in the harbor; and

"Whereas, the present breakwater is insufficient for stopping waves from coming into the harbor and causing resultant damage to fishing boats moored at Port Allen; and

"Whereas, the fishing industry in Hawaii is not large and cannot sustain losses caused by such wave action; and

"Whereas, a second breakwater would alleviate the situation; now, therefore

"Be it resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, that Hawaii's Congressional Delegation be requested to obtain Federal appropriations for the construction of a second breakwater at Port Allen, Kauai, Hawaii; and

"Be it further resolved that certified copies of this Resolution be sent to members of

DIGEST of Congressional Proceedings

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(FOR INFORMATION ONLY;
NOT TO BE QUOTED OR CITED)

For actions of May 4, 1970
91st-2nd; No. 70

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HIGHLIGHTS: House agreed to conference report on school lunch bill. Ready for President. Rep. O'Hara introduced and discussed meat inspection bill.

HOUSE

1. SCHOOL LUNCH. Agreed to conference report on H. R. 515, to provide free and reduced-price meals, and otherwise to strengthen the food service programs for children in schools and service institutions. This bill will now be sent to the President. pp. H3805-10
2. TRADE FAIRS. Passed under suspension of the rules S. 856, to provide for Federal Government recognition of and participation in international expositions proposed to be held in the U. S. A similar House bill (H. R. 13171) was indefinitely postponed. pp. H3825-6

3. PESTICIDES. Rep. Obey stated that he has asked this Department a number of questions in an attempt to find out what is being done by Government agencies to protect the public from mercury poisoning, and that there has been an "unbelievable casualness in agency attitudes concerning mercury contamination." pp. H3830-2
4. FAMILY ASSISTANCE. Rep. Hamilton explained his reasons for voting for the proposed Family Assistance Plan because there was "no other alternative except a continuation of the present discredited system." pp. H3847-8
5. EMPLOYMENT. Rep. Daniels, N. J., inserted two articles on the pros and cons of public service employment. p. H3850
6. DISASTER RELIEF. Received from Office of Emergency Preparedness Executive Office of the President a draft of proposed legislation to amend existing Federal disaster assistance legislation; to Public Works Committee. p. H3858

BILLS INTRODUCED

by Rep. Aspinall,

7. LANDS. H. R. 17407, to increase certain acreage limitations in the Mineral Leasing Act; to Interior and Insular Affairs Committee.
8. PUBLIC WORKS. H. R. 17409, by Rep. Don Clausen, to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971; to Public Works Committee.
9. CONSUMERS. H. R. 17414, by Rep. Harvey, to amend the Federal Trade Commission Act to provide increased protection for consumers; to Interstate and Foreign Commerce Committee. Remarks of author p. H3849
10. ENVIRONMENT; POLLUTION. H. R. 17417, by Rep. Hungate, to establish a structure that will provide integrated knowledge and understanding of the ecological, social, and technological problems associated with air pollution, water pollution, solid waste disposal, general pollution, and degradation of the environment; to Science and Astronautics Committee.
11. MEAT INSPECTION. H. R. 17420, by Rep. O'Hara, to allow States to apply more stringent marking, labeling, packaging or ingredient requirements than those set under the Federal Meat Inspection Act; to Agriculture. Remarks of author pp. E3879-87
12. FISHERIES. H. R. 17426, by Rep. Don Clausen, to establish a contiguous fishery zone (200-mile limit) beyond the territorial sea of the United States; to Merchant Marine and Fisheries Committee. Remarks of author p. H3836

EXTENSION OF REMARKS

13. FARM LIFE. Rep. Cunningham inserted an article which describes the aid given a sick farmer by his neighbors as an example of farm living. p. E3850
14. SOIL CONSERVATION. Rep. Kleppe saluted the clergy who will lead prayers for a bountiful earth during Soil Stewardship Week. p. E3859

thority, rather than from the time the decree becomes final.

The Senate amended the bill to increase by 10 percent payments to children under the dependency and indemnity compensation provision of title 38. It also provided for the payment of dependency and indemnity compensation to certain widows who are receiving death compensation today.

I support the motions offered by the distinguished chairman of the committee which would retain the House language, accept the Senate amendment relating to increases for dependency and indemnity compensation to children, and reject the amendment to permit certain widows to receive dependency and indemnity compensation. The latter action is due to the fact that similar provisions are contained in the bill, H.R. 16661, which the House will consider today.

The Clerk read the Senate amendment to the title of the bill, as follows:

Amend the title so as to read: "An Act to amend title 38, United States Code, to revise the definition of the term 'child' to recognize an adopted child of a veteran as a dependent from the date of issuance of an interlocutory decree, to increase the rates of dependency and indemnity compensation payable to dependent children of deceased veterans, and for other purposes."

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TEAGUE of Texas moves that the House concur in the Senate amendment to the title of the bill.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

NECESSARY HOSPITAL OR DOMICILIARY CARE FOR VETERANS 72 YEARS OF AGE OR OLDER

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 693) to amend title 38 of the United States Code to provide that veterans who are 72 years of age or older shall be deemed to be unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes, with the Senate amendments thereto, and consider the Senate amendments.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the first Senate amendment as follows:

Page 1, line 7, strike out all after "the" over to and including line 3 on page 2 and insert: "receipt of pension under any law administered by the Veterans' Administration shall constitute sufficient evidence of inability to defray necessary expenses, and any veteran in receipt of such pension shall be exempt from making any statement under oath regarding his inability to defray necessary expenses."

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TEAGUE of Texas moves that the House disagree to Senate amendment numbered 1.

The motion was agreed to.

The Clerk read Senate amendment No. 2 as follows:

Page 2, strike out all after line 16 over to and including line 16 on page 3.

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TEAGUE of Texas moves that the House concur in Senate amendment numbered 2, with the following amendments:

On page 2, line 1, of the Senate engrossed amendments, strike out "2" and insert "3", and strike out "16" and insert "2".

On page 2, line 2, of the Senate engrossed amendments, strike out "on page 3".

The motion was agreed to.

Mr. TEAGUE of Texas. Mr. Speaker, this bill which was passed by the House on June 2, provided—

First. That a veteran who is 72 years of age or older will no longer be required to sign a statement of inability to defray necessary hospital or domiciliary expenses to gain admission to a VA hospital or domiciliary for treatment of a non-service-connected disability.

Second. Authorize furnishing of outpatient care and such other medical services as are reasonably necessary to any veteran who is in receipt of pension or compensation based on need of regular aid and attendance of another person, or who is permanently housebound.

Third. Permit the Veterans' Administration to furnish drugs and medication to veterans who are receiving the housebound rate of compensation or pension. Existing law permits furnishing of drugs and medication to those in receipt of the aid and attendance rate.

Fourth. Extend eligibility for medical care for non-service-connected disabilities to veterans who served on the Mexican border during the period beginning May 9, 1916, and ending April 6, 1917.

Fifth. Remove the limitations imposed by section 201 of the Revenue and Expenditure Control Act of 1968—Public Law 364—insofar as they apply to ceilings placed on personnel within the Veterans' Administration.

The Senate, in passing the bill on October 21, 1969, amended the proposal by writing into the bill what is already VA policy; namely, that receipt of pension from the Veterans' Administration shall constitute sufficient evidence of inability to pay as to permit the veteran to be admitted without making any statement regarding his inability to pay the cost of hospitalization. Veterans' Administration regulation today assumes that any person who is drawing pension is in need of hospital care and eligible for such insofar as economic factors are involved.

The Senate amendment also removed the proposed eligibility of Mexican border veterans for medical care.

The motion I have made will restore this feature to the form as passed by the House; namely, by providing that every applicant who is 72 years of age or older will no longer be required to sign any statement of inability to pay for hospitalization when he applies for admission

to a Veterans' Administration hospital. My motion also restores the medical care feature for Mexican border veterans.

I hope that the other body will consider this to be a reasonable compromise, accept, and send the measure to the White House.

Mr. AYRES. Mr. Speaker, H.R. 693, as it passed the House, eliminated the oath of inability to pay for hospitalization sought by veterans who are 72 years of age or older.

The bill also extended eligibility for non-service-connected Veterans' Administration medical care to veterans who served on the Mexican border between May 9, 1916, and April 6, 1917.

The Senate amended the bill to provide that the oath of inability to pay for hospitalization be eliminated only for those who are in receipt of pension benefits. This is more restrictive than the House passed provision, since it merely provides statutory authority for a procedure already accomplished under Veterans' Administration regulations.

The Senate also eliminated the provision that Mexican border veterans be entitled to Veterans' Administration hospital and medical care.

The effect of the motions offered will be to restore substantially the House language with respect to these Senate amendments. I support the motions.

The Clerk read the Senate amendment to the title of the bill, as follows:

Amend the title so as to read: "An Act to amend title 38, United States Code, to provide that veterans who are in receipt of pension shall be deemed unable to defray the expenses of necessary hospital or domiciliary care, and for other purposes."

MOTION OFFERED BY MR. TEAGUE OF TEXAS

Mr. TEAGUE of Texas. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TEAGUE of Texas moves that the House disagree to the Senate amendment to the title of the bill.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to revise and extend their remarks on the veterans' legislation we have just considered.

The SPEAKER. Is there objection to the request of the gentleman from Texas? There was no objection.

CONFERENCE REPORT ON H.R. 515, CHILDREN'S FOOD SERVICE PROGRAMS

Mr. PERKINS. Mr. Speaker, I call up the conference report on the bill (H.R. 515) to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education

benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of April 29, 1970.)

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the statement of the managers on the part of the House be dispensed with.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PERKINS. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, it is with great pride that I present today the conference report on H.R. 515. This bill creates a new charter for the child nutrition programs. It will strengthen the State and local administration of these programs and it will extend and improve their nutritional benefits to all children, especially to those children who come from poor families.

The history of this bill is worthy of brief review. It was first introduced nearly 2 years ago as H.R. 17873, on January 14, 1968. This action was an outgrowth of a series of hearings held by the House Education and Labor Committee on the subject of malnutrition and Federal food programs. Testimony from many groups brought out clearly the need for greatly expanded efforts to provide better nutrition for our Nation's children.

H.R. 17873 was passed by the House and subsequently passed by the Senate as part of another measure and thus did not go to conference. H.R. 515, as it now stands, is a much improved version of the original bill as a result of the legislative process through both Houses of the Congress. In total, the bill is a product of all interested groups, both inside and outside of the Federal Government. It is a bipartisan effort and worthy of your full support.

Mr. Speaker, I also feel constrained to say that in the past 2 years there has been much clearer recognition of the compelling need for improvement in the child nutrition programs. Additional funds have been forthcoming and significant progress has been made in reaching more needy children. Only recently, H.R. 11651 was approved to provide an additional \$30 million to sustain the program of free or reduced-price lunches for needy children through the remainder of this school year.

I should like here to discuss some of the major features of the bill and their implications.

It carries authority for appropriations 1 year in advance for the School Lunch and Child Nutrition Act programs. For the first time, State departments of education and local school districts will be

able to do effective planning on the use of Federal funds. The benefits of this major step from the standpoint of efficiency and good management will be far reaching and of great significance.

The authority for the appropriation of nonfood assistance funds to schools in low-income areas has been extended for 3 additional years. A major improvement has been made in the apportionment formula to direct these funds to the areas of greatest need.

Authority is given to the Secretary of Agriculture to make grants to the States for nutritional training and education for school lunch workers, cooperators, and participants and for necessary surveys and studies of requirements for food service programs. The provision means that State administration agencies will be able to give special attention to the important task of improving the knowledge of the principles of good nutrition among all those taking a part in the child feeding programs.

The matching of Federal funds by the States will be strengthened. For the first time, a portion of the matching requirement must be provided from the State level revenues. This provision will not take effect until July 1, 1971, in order to give State legislatures sufficient time to appropriate funds.

National standards, based on income poverty guidelines, are established for determining the eligibility of needy children for free or reduced-price meals. Local school authorities will publicly announce these standards and will be required to take necessary measures to avoid identification of children receiving free or reduced-price meals. Parents whose children qualify under these standards will apply on the basis of a simple self-certification process free from any humiliating or discriminatory practices as recommended by the White House Conference on Nutrition and Health. We who were managers on the part of the House also wish to impress on local school administrators that such income data are confidential.

Section 11 of the National School Lunch Act is to be amended in order that Federal funds can be used in any school to finance lunches for needy children: the present law limits special Federal assistance of this type to those schools serving predominantly low-income areas.

In addition, a desirable change is to be made in the formula for the apportionment of these special assistance funds among the States. This action will direct the necessary funds to the areas of greatest need.

All State educational agencies will be required to submit a plan annually beginning January 1, 1971, describing the measures that will be taken to furnish free or reduced-price lunches to every needy child.

Authority is to be granted for States to transfer funds between authorized programs on the basis of an approved State plan of operation. States also may receive funds to carry out special developmental projects to test out new and improved methods for providing nutritious meals to children.

Finally, a National Advisory Council

is to be established to make a continuing study of child nutrition programs with a view to determining how such programs may be improved.

Mr. Speaker, I have only touched on the major features of the bill before us. I can only repeat that it sets forth a new charter for the development of child nutrition programs in the Nation. State governments and local school authorities are given new authorities and new responsibilities in partnership between the Federal Government and the States. The framework has been established to see to it that no child shall go hungry, or lack proper nutrition. This is a goal to which we are all committed.

In the years to come, we and the States must honor this commitment with the funds and resources required. We can do no less.

In closing, I would like to express very sincere thanks and gratitude to the many individuals and organizations across the country who have helped to make the objectives of this legislation a reality.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman from Kentucky for yielding.

How do the expenditures authorized in the conference report compare with the expenditures for this purpose as authorized in the legislation originally approved by the House?

Mr. PERKINS. Let me say to the distinguished gentleman from Iowa that the School Lunch Act authorizes the expenditure of such funds as may be necessary, but we have many different categories where we have different authorizations in this bill. Last year for the entire school lunch program we spent \$551,650,000, not including the special milk program, which amounted to \$104 million in addition. We have in the budget this year \$684,978,000, not including the special milk program.

Mr. GROSS. Mr. Speaker, would the gentleman restate the last figure he gave for this year?

Mr. PERKINS. For fiscal year 1971, assuming that the House Committee on Appropriations when they take up consideration of the moneys, appropriate the full amount in the budget, it will be \$684,978,000. But I may say there is nothing in the budget for fiscal year 1971 for the special milk program, where we expended \$104 million last year.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, will the \$684 million envisaged by the gentleman include the breakfast program?

Mr. PERKINS. It does include the breakfast program. It includes the regular school lunch program, the direct appropriation in the amount of \$169 million, and the free end reduced price lunches, and the special food services program.

Mr. GROSS. How about the special milk program?

Mr. PERKINS. It does not include that milk program. It does include the school breakfast and the administrative expenses, nutrition education, and direct

lunch program expenditures. It includes that and the Federal operating expenses.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the gentleman from Missouri.

Mr. HALL. Mr. Speaker, I appreciate the gentleman yielding.

Apropos of the colloquy between the gentleman in the well and the gentleman from Iowa, is it \$684 million of Federal contribution to this program?

Mr. PERKINS. The \$684 million is all Federal contributions, including section 32 foods and section 416 foods that come from CCC stocks. Yes, sir.

Mr. HALL. Mr. Speaker, I thank the gentleman. I have one additional question. On page 10 of the report of the members of the conference on the part of the House, under "School breakfasts" it is not clear to me the way the report is written whether the conferees simply go from \$12 million for fiscal year 1971, to \$25 million, or whether they go on to \$50 million for fiscal year 1972 and \$75 million for fiscal year 1973.

The next sentence says:

There are no further extensions or increases nor other amendments.

Are we extending this for 3 years, or just doubling it for fiscal year 1971?

Mr. PERKINS. It was agreed among the conferees that we would extend the program only through fiscal year 1971 and set the authorization at \$25 million.

Mr. HALL. And it would require a further authorization for fiscal year 1972?

Mr. PERKINS. That is correct.

Mr. HALL. I thank the gentleman.

The SPEAKER. The time of the gentleman from Kentucky has again expired.

Mr. PERKINS. Mr. Speaker, I yield myself 3 additional minutes.

Mr. QUIE. My Speaker, will the gentleman yield?

Mr. PERKINS. I yield to the distinguished gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. This will be the first time the States are required to participate in the School Lunch Act as we have provided in the bill that we first passed in the House.

Mr. PERKINS. The gentleman is absolutely correct. Heretofore we have required matching from the Federal level on a 3 to 1 basis, but that has mostly come from charges to schoolchildren, from money collected from schoolchildren for their lunches.

This really places the responsibility on the States. In my judgment, it will make the school lunch program a much greater and more effective program with that responsibility placed on the States, because they should be carrying a part of this burden.

Mr. QUIE. If the gentleman will yield further, it should not be an onerous burden on the States, since they start out with 4 percent for 2 years, and then 6 percent for 2 years, and then go to 8 percent.

Mr. PERKINS. That is correct. We may run into a problem, inasmuch as many of the various State legislatures will not meet until 1972. We would not want to punish those States which do not have a regularly scheduled meeting in 1971.

I know in my home State the legislature recently adjourned, before enactment of this legislation. But perhaps we may have to postpone that date to some future date. I hope not. I hope that special sessions and so forth will be called to take care of this important matter.

Mr. QUIE. The gentleman from Kentucky also raised a question as to affidavits, under the bill. While the Department of Agriculture has not yet worked out details of the specifications regarding the affidavits, the gentleman from Kentucky agrees with me, does he not, that this is merely a certification on the part of the parents to the school of their income level, rather than the normal sense of an affidavit notarized, going through complicated legal proceedings.

Mr. PERKINS. I agree wholeheartedly with the distinguished gentleman. Any other interpretation on the part of the Secretary of Agriculture would be embarrassing, and humiliating to the parents of poor children. I feel that any reasonable-minded Secretary would not resort to the technical requirements of an affidavit subscribed and sworn to before a notary or someone authorized to administer an oath.

The gentleman has stated the intent of the committee and of the conference committee correctly.

Mr. QUIE. Let me also ask a question with regard to private and parochial schools. There is some question as to whether private or parochial school students would be treated the same as public school students, or would the private or parochial schools be in any way handicapped in their effort to provide free or reduced cost school lunches for children from families below the poverty level who attend their schools?

It is my understanding there is no intent to handicap private and parochial schools or inhibit them from providing free or reduced cost lunches.

Mr. PERKINS. That is absolutely correct. Where there is a conflict with State laws, the Secretary of Agriculture will deal directly with the private or parochial school, just as he has in the past. We do not intend to take one thing away from the private schools by this legislation, but we will let the Secretary deal directly with those private schools where a State law conflicts.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. PERKINS. I am glad to yield to the distinguished majority leader.

(Mr. ALBERT asked and was given permission to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, adoption of this conference report is another evidence of congressional leadership in responsible legislation.

The bill we send to the President today got its start in the Committee on Education and Labor in 1968, when a predecessor bill, with bipartisan sponsorship and support, was reported to the House. It was unanimously approved on July 1 by a 352-to-0 vote.

The Committee on Education and Labor again, unanimously, reported H.R. 515 on March 17, 1969. It passed the House without opposition on March 20, 1969. The Department of Agriculture was

lukewarm in its support, sending a permanent civil servant to testify, rather than an official in a policymaking position.

Last fall the distinguished junior Senator from Georgia with a bipartisan group of cosponsors, introduced a bill somewhat similar to H.R. 515. It was strongly endorsed by Members of both Houses and interested public witnesses, but again the administration was reluctant to take strong, positive, and aggressive steps to solve the problems of hungry children.

The legislation finally has administration support, but it is a congressional mandate that we are giving today. We can all be proud because we have actual responsibility from both sides of the aisle.

I congratulate the gentleman from Kentucky, the chairman, and all of the members of the Committee on Education and Labor for their leadership in this field.

Hungry schoolchildren will thank them and us.

Mr. PERKINS. Mr. Speaker, I yield 15 minutes to the distinguished gentleman from Minnesota (Mr. QUIE).

Mr. CUNNINGHAM. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield such time as he may use to the gentleman from Nebraska.

(Mr. CUNNINGHAM asked and was given permission to speak out of order.)

TODAY'S UNANIMOUS SUPREME COURT RULING ON OBSCENITY LEGISLATION SPONSORED BY MR. CUNNINGHAM

Mr. CUNNINGHAM. Mr. Speaker, I just returned from my district about 15 minutes ago, but I have an important news item which will be of interest to the House.

As you may recall, when we had the obscenity bill up before us last week and I had the privilege of managing it on our side of the aisle, I mentioned that the major bill that I sponsored and finally became law allowed parents to demand that their names and those of their minor children be removed from the smut dealers' mailing lists.

This has been a long struggle for me over about a 10-year period to get some major antismut legislation approved. It was approved but was immediately attacked by the smut dealers, in California. But three Federal judges out there upheld the law. The smut dealers did not give up, however, and appealed to the Supreme Court. About 2 months ago the Supreme Court agreed to hear the challenge. Just this morning the Supreme Court unanimously agreed that the law was constitutional. On the news were I find this wordage:

From the Associated Press:

COURT-OBSCENITY

WASHINGTON.—The Supreme Court upheld today the Federal law that requires mailers to stop sending "obscene" advertisement to people who don't want them.

The court unanimously upheld a section of the Postal Revenue and Federal Salary Act of 1967 under which a householder may require that a mailer remove his name from its mailing lists and stop all future mailings to person complaining.

Chief Justice Warren Burger, writing for the court, swept aside contentions that access to the mail is a freedom protected by the first amendment.

Without doubt the postal system is an indispensable adjunct of every civilized society and communication is imperative to a healthy social order, Burger wrote. "But the right of every person 'to be let alone' must be placed in the scales with the right of others to communicate."

From United Press International:
SEX MAIL

WASHINGTON.—The Supreme Court today upheld the constitutionality of law which allows anybody to keep advertising out of his mailbox if he decides it is too sexy.

The law was challenged by 14 mail order houses, book publishers and others, who claimed it interferes with their right to free communication through the mail.

The vote of the eight-man court was unanimous, with Chief Justice Warren E. Burger speaking for the majority.

The law authorizes any addressee to take steps to stop "pandering advertisements" which he believes to be "erotically arousing or sexually provocative."

He asks the post office to order the firm to take his name off the mailing list. The firm can get a post office hearing if it wishes. In the event of non-compliance the postmaster general may ask the attorney general for a court order.

The mail order houses told the court deletions cost \$5 a name because the lists are not alphabetical.

Burger said:

"In effect, Congress has erected a wall—or more accurately permits a citizen to erect a wall—that no advertiser may penetrate without his acquiescence. The continuing operative effect of a mailing ban once imposed presents no constitutional obstacles. . . .

"We . . . categorically reject the argument that a vendor has a right under the Constitution or otherwise to send unwanted material into the home of another. If this prohibition operates to impede the flow of even valid ideas, the answer is that no one has a right to press even 'good' ideas on an unwilling recipient.

"That we are often 'captives' outside the sanctuary of the home and subject to objectionable speech and other sound does not mean we must be captives everywhere.

"The asserted right of a mailer, we repeat, stops at the outer boundary of every person's domain."

Justice William J. Brennan, Jr., and William O. Douglas added a word about another section of the law which allows an addressee to include the names of any minor children under 19 in any post office department stop order.

Speaking for the two, Brennan said under the Court's broad interpretation of the law, a parent could prevent children "even if they are 18 years old, from receiving political, religious or other materials which the parents find offensive."

Brennan said this construction "is not without constitutional difficulties" but this issue is not part of today's case. He said he understands the court to leave the matter open.

The complaining companies were American Book Service, Cal-Sur Co., Home Products, Ras Enterprises—Daro Industries, Athena Products, Cameo Distributors, Blithells Mailing Service, Tiffany Enterprises, Quality Products, Media Consultants, United Surgical, Premier Products, Norman Stacy & Associates and C. & A. Sales.

This is a long story, Mr. Speaker. I will not go into it and take up the time of the gentleman from Minnesota, who yielded to me, but it is a great victory and a great breakthrough. Now we can proceed with other obscenity legislation.

As I said last week as I managed the bill, on behalf of the administration,

which came out of our Committee on Post Office and Civil Service, there was tremendous help and encouragement, Mr. Speaker, which you gave to me on this bill during the long struggle. If we lost this case, we might as well forget about any legislation in this field of pornography and trying to stop it.

"So, Mr. Speaker, this is a great victory for the American people. It is a great victory for the Congress. I am so happy about today's Supreme Court decision that I now know we must go full steam ahead with cleaning up this mess once and for all.

(Mr. CUNNINGHAM asked and was given permission to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, I thank the distinguished gentleman from Minnesota for yielding to me for this purpose.

Mr. QUIE. Mr. Speaker, in recent years the problems of hunger in America have received a substantial degree of attention through the press and public and particularly in the Congress. The national school lunch bill has for years addressed itself to those needs. I have, since coming to Congress, been a supporter of this legislation, and have worked actively to promote and expand it through the years in an effort to extend its effectiveness. This has not been an exclusive effort on my part by any means. The gentleman from Kentucky, the chairman of our Committee on Education and Labor, CARL PERKINS, and I have worked together for years to develop our mutual concern for this program. I think, Mr. Speaker, it is significant that every piece of school lunch legislation to be signed into law in recent years was initiated in the House of Representatives. It is important to note that these actions were started before, and continued after, the general public became concerned about hunger and organizations came into being to help eliminate this problem.

Specifically, Mr. Speaker, last year the gentleman from Kentucky and I recognized that there were insufficient funds to meet the school lunch needs in this country and introduced temporary emergency assistance legislation designed to meet that problem. This recognition came as a result of our feeling in the House of Representatives that some action had to be taken, not because of prompting by the other body. The gentleman from Kentucky and I introduced legislation the end of May and the House acted shortly thereafter, authorizing \$100 million to meet this emergency need. Yet, it took over 10 months before the President got the bill and signed it into law, after the other body reduced this to \$30 million.

This legislation that we are considering today was also initiated in this body and it was introduced the first day of the 91st Congress. It was passed by the House less than 2 months later. And yet, it has taken over a year for action to be forthcoming so that we can come before you today with a conference report and tomorrow send this bill to the President for signature. It has been the House of Representatives that has con-

sistently taken the lead in this area. We may be short on the rhetoric, which appears to be commonplace elsewhere, but we are, Mr. Speaker, first to act on legislation because we do understand the problems and recognize the needs.

I think it is important to clarify some misunderstandings that may exist in regard to changes that were made in the conference report. As you know, several amendments to the original bill were made on the floor of the Senate. House conferees felt that some modifications to those amendments were necessary. Much attention has been focused specifically on the new eligibility language in section 9 which states:

Free lunches shall be served to low-income children or children being eligible for school lunches.

The wording in my judgment is academic because the existing School Lunch Act, in section 9, the third sentence, now reads:

Such meals shall be served without cost or at a reduced cost to children who are determined by local school authorities to be unable to pay the full cost of the lunch.

Mr. Speaker, our action in conference takes the basic concept already in the law and expands it so that all poor children shall be served free or reduced-price meals on a standard as determined by the Secretary of Agriculture. The discretion for determination as presently written in the law remains with the local school authority.

What we did in this legislation, the conference report, is to specify a national standard that shall apply to local school boards. So, as it was written previously into law, such meals free or at lowest cost shall be served, but instead of left entirely to the discretion of the local school system a child coming from a family which is below the poverty level, \$3,800, nonfarm; and, \$3,200, farm must be served free or lowest-cost lunches. The local school authorities retain their authority to provide free or reduced cost lunches for children who come from a family whose income is above the poverty lines.

Another change as noted in the newspapers I feel there has been a misrepresentation of what we attempted to do on the House side in the conference report. When the Members of the other body suggested that we continue to use those words, "shall be served," instead of "shall be eligible," we accepted that change because we understood the meaning was the same anyway and while it made the language redundant, it made the amendment absolutely clear. That is the reason I suggested we change the words "shall be eligible" to "shall be served."

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. QUIE. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, I would like to say to the gentleman from Minnesota, who has labored so diligently and untiringly from the time we introduced the legislation, that I read the press release, and it was most difficult for me to understand because it was very clear that it was based altogether on hearsay evi-

dence. In the first place, the gentleman from Minnesota (Mr. QUIE) offered the amendment to substitute the terminology "shall be served" instead of "shall be eligible."

Be that as it may, no one doubts the hard work the gentleman from Minnesota has done throughout the years in trying to strengthen the child feeding programs in this country, and the Federal lunch programs. No Member in this body has made a greater contribution to this, and I personally want to compliment the gentleman for the great work that he has done, and for his untiring work all the way through in connection with improving the school lunch program.

Mr. QUIE. Mr. Speaker, I thank the gentleman from Kentucky.

Mr. Speaker, I think it is important for me to point out that, in my judgment, the most significant change in the legislation, and one which I developed with the gentleman from Kentucky, is that when meals are provided free or at reduced cost to needy children, the first priority shall be given to free meals to the neediest. In other words, given the existing funds we have available, the poorest of the poor will be served under this legislation. It is my feeling that this approach is fair, rational and defensible.

As we point out in the conference report, those who are not able to pay for the lunches, even at a reduced cost, shall be provided free lunches by the local school authorities and Federal funds available shall be used for this purpose first.

I follow the developments in child feeding programs and note with great enthusiasm that Federal interest and support is improving and achieving results. As of December 1969—the last month for which figures were available—4.6 million needy children were receiving free or reduced-price meals. That is nearly one-quarter of the more than 20 million school children whose school meals are supported in part by the national school lunch program. The 4.6 million figure is up from 3.4 million at the end of the last school year and from 2.2 million the year before that. Thus free and reduced-price meal participation has more than doubled in slightly more than 1 year. By the end of the current school year it is expected that more than 5.5 million of the estimated 6.6 million needy children eligible for free and reduced-price meals should be receiving them.

As I said earlier, the gentleman from Kentucky and I cosponsored legislation last year to assure that adequate funds for this purpose would be available and that legislation was accepted by the administration as a vehicle for providing an additional \$30 million for school feeding when program expansion outran earlier budget estimates. I am prepared to act again if I believe that funding is not adequate.

The legislative history of the Senate debate makes it clear that a State should not be cut off from program assistance because of the failure to reach every eligible child. The language of the conference amendment makes it clear that schools who make a good-faith effort to feed needy children and in fact do feed

free meals to the neediest children first will not be subject to harassing lawsuits that may cause school districts to drop out of the lunch program entirely, as occurred to one school district.

Mr. Speaker, I raise this point because I am concerned that many well-meaning people who are enthusiastic about the cause may hurt the very children we are attempting to help here today. I point specifically to OEO's Legal Services unit, which is representing plaintiffs in suits challenging food assistance and school lunch programs throughout the country.

I have been advised there is a very active effort to generate extensive litigation. My concern is that successful suits could cause more schools to drop the national school lunch program entirely. It is my feeling that the mandate we are given here today addresses the needs of poor people and our desire that poor children be fed. I feel no end is served and no child's welfare advanced if a school closes its program. It is my hope that Federal, State, and local officials will work together to try to implement the provisions that we pass here today so that there will be an extension of food assistance for the young people who are in need rather than any curtailment as occurred in one school district so far.

We also have provisions here and language requiring that the State develop means of extending their school lunch program so that all of the schools within the State will be covered because at the present time not all of the schools are covered. This is especially difficult in some areas where the schools are extremely old.

We believe this will strengthen our hands in reaching these children in school and in day-care centers and in summer activities.

We all know that in this abundant land there is no excuse for malnutrition—let alone hunger. This bill removes the legislative inhibitions to fully meet the needs of our neediest children, and if any of us who have been working hard on this legislation find that additional legislative changes need to be made to reach our needy children, we stand ready to make those changes.

For the first time, we are requiring that the States contribute revenues toward the child feeding programs. Mr. Speaker, I recognize that there are tremendous demands on State revenues and, as a result, we built in a gradual and limited basis for matching funds from these sources. This change will mean far more than just additional funds for the program. I believe that it will introduce a new level of monitoring, and a new level of evaluation. This will result in closer scrutiny at the State and local level as to whether these programs are actually meeting the needs and whether the local tax money is being expended to fully meet the needs of the young people who do not have adequate revenue from their parents in order to buy the food they need.

We are talking about new developments, new approaches, new ways of getting meals to youngsters most in need of a good meal or two a day. We are talking about applying the new technology to an old problem.

Conventional thinking in the programs for feeding children tended toward duplicating restaurant-type facilities. Many of the newer suburban high schools and even elementary schools have gone this route. The parents can and are willing to support this type of operation.

But what do you do about feeding the youngster in overcrowded, old, elementary schools in downtown areas? Time was when the children attending these schools were expected to and did go home for lunch. It might have been a good lunch of a pickup kind of lunch—or it may not have been any lunch at all, if the school is in a ghetto area.

Times have changed. Now poor families in ghetto areas have greatly expanded. Also around our old schools we also have working mothers. Many by choice, but a great many because they have to. We have heard for years about the "door-key" or "latch-key" children who, by force of circumstances, must shift for themselves quite a few hours of the day.

With the new technology, any school in this country can provide a good meal for these children—can keep them from wandering the streets or droppings into the neighborhood store for empty calories that appease hunger but do nothing for nutrition.

I want to call your attention to another important factor in this bill which could be far reaching. This involves the provision for nutritional training and education for workers, as well as for the participants in these programs.

The school lunch program in the past, while being a great aid in supplying at least a portion of the dietary needs of children, did not seek to interest the child nor the family in the program's purpose. A child either liked, or disliked, the menu for the day and generally took no interest in learning to appreciate the value of any particular item toward improvement of mind or body. In fact, this situation exists at this moment. The youngster may read the menu or hear it on the radio prior to serving time. If he does not like the items for the day, he may bring an adequate lunch from home but otherwise will probably buy a candy bar or soft drink.

Nutritional education, if subtly handled, can do much to engender pride or discipline in eating necessary foods when the thought is present that a keener mind or a more athletic body will result.

The old phrase "You Are What You Eat" might well be revived in modern terms with all the promotional means we have at our disposal in our communication programs today.

Mr. Speaker, this legislation clarifies and enlarges the authority and the commitment to better child nutrition. It provides for better planning, clearer standards, and an enlargement of the Federal, State, and local coordination on which the program has been so successfully based.

The provisions for advance appropriations, for an annual State plan of operation and for surveys and studies at the State and local level will allow coordinated development and expansion.

Advance appropriations will allow the

Department of Agriculture to allocate school feeding funds prior to the beginning of the school year. This will be a great improvement over the experience of recent years when delayed appropriations bills have kept schools in uncertainty about allocation levels until well into the school year.

The State plan of operation will require that every participating State outline the manner in which it proposes to extend the program to every school, and to meet the needs in every school for free and reduced price lunches. The State plan will also require States to coordinate the lunch program with the breakfast program and with plans for feeding in summer camps and day care centers. Thus the plan will outline a year-round nutrition strategy. And by allocating funds for surveys and studies on a local level, it will be possible to make programs more responsive where it counts.

While the bill clarifies eligibility standards for free and reduced-price lunches, it requires that there be no overt identification of recipients. This is particularly important. School children are particularly sensitive to identification as being different or in any way inferior. H.R. 515 assures that the school lunch program will not be used to divide school children into a universe of haves and a universe of have-nots.

This legislation extends the availability of free and reduced price lunches to those schools that have only received donated commodities from the Department of Agriculture. Until now it has been possible for a school to obtain substantial commodity support for its lunch program without meeting the nutritional requirements of the type A lunch or providing free and reduced-price lunches to needy students. Now schools that wish to receive assistance for their feeding programs must participate in the national school lunch program and meet the program's requirements as to serving needy students and providing nutritious meals.

H.R. 515 makes an important change that will allow child nutrition programs to operate in a more flexible manner. Section 11 assistance for free and reduced-price lunches will be available for needy children in all schools. Previously it was only available to needy children in needy schools. Those schools with only small numbers of needy children were expected to provide free and reduced-price lunches out of regular funds. In practice children transferring to better schools have found themselves losing out on lunches. Now the funds can follow the child.

I am pleased that these changes have been made with the help of most involved.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CORRECTION OF ROLL CALL

(Mr. BEALL of Maryland asked and was given permission to address the House for 1 minute.)

Mr. BEALL of Maryland. Mr. Speaker, in the CONGRESSIONAL RECORD of April 29,

1970, page H3625, I am reported as absent on rollcall No. 97.

The official record of the House tally clerk, however, shows me as present.

Mr. Speaker, I ask unanimous consent that the permanent RECORD and Journal be corrected accordingly to show me present on rollcall No. 97.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

GOLD AND SILVER ARTICLES— CONSUMER PROTECTION

The Clerk called the bill (H.R. 8673) to protect consumers by providing a civil remedy for misrepresentation of the quality of articles composed in whole or in part of gold or silver, and for other purposes.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

COMPENSATION FOR THE COMMANDING GENERAL OF THE MILITIA OF THE DISTRICT OF COLUMBIA

The Clerk called the bill (H.R. 350) to amend section 39-201 of the District of Columbia Code.

There being no objection, the Clerk read the bill as follows:

H.R. 350

A bill to amend section 39-201 of the District of Columbia Code

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act entitled "An Act to provide for the organization of the militia of the District of Columbia", approved March 1, 1889 (25 Stat. 772, 773), as amended (D.C. Code, sec. 39-201), is amended (1) by inserting "(a)" immediately after "Sec. 7.", and (2) by adding at the end thereof the following new subsections:

"(b) Except as provided in subsection (c), any person serving as the commanding general of the District of Columbia National Guard shall be paid at a rate equal to the minimum rate for a GS-15 of the General Schedule under section 5332 of title 5 of the United States Code.

"(c) Any officer of the Armed Forces of the United States who, while serving on active duty, is detailed to serve as commanding general of the District of Columbia National Guard shall, while so detailed, be entitled to receive only the pay to which he is entitled as an officer of the Armed Forces."

Sec. 2. The paragraph contained in the District of Columbia Appropriation Act, 1961 (74 Stat. 25), under the caption "National Guard" is amended by striking out "at not to exceed \$13,300 per annum".

Sec. 3. The amendments made by this Act shall be construed as having taken effect on July 1, 1966.

Mr. HEBERT. Mr. Speaker, H.R. 350 is a relatively simple bill which would amend section 39-201 of the District of

Columbia Code insofar as it relates to compensation for the commanding general of the militia of the District of Columbia, and for other purposes.

The bill as introduced by the Honorable OLIN E. TEAGUE of Texas, was supported in principle by the Department of Defense and the Bureau of the Budget but language was submitted which revised the bill entirely. As revised in accordance with their suggestions, the bill provides that the position of the commanding general of the District of Columbia National Guard be placed within the general schedule under section 5332 of title 5, United States Code. This would allow the appropriate grade for the holder of this position to be determined in accordance with the classification prescribed under chapter 51 of that title. The bill would also transfer the position to the Department of Defense for pay purposes.

At the present time, through a paragraph contained in the District of Columbia Appropriation Act of 1961, the salary of the commanding general of the National Guard is fixed at \$13,300 per year. This is less than 49 of his technicians make. It is expected that the salary will be set at a GS-15 level which at the present time ranges between \$21,859 and \$28,069, the lowest and highest steps of that grade.

Under an Executive order issued in 1969, the President has directed the Secretary of Defense to supervise, administer, and control the District of Columbia National Guard while in a militia status, and the commanding general reports to the Secretary of Defense or an official of the Department designated by him. It seems logical that the position should be transferred to the Department of Defense rather than being a part of the District of Columbia government.

The enactment of the bill would result in an additional cost to the Department of Defense of approximately \$28,000 annually. However, this would be partially offset, in terms of overall cost to the Government, by the elimination of \$13,300 appropriated annually as a part of the District of Columbia Appropriation Act.

Mr. Speaker, I urge your support that the bill as amended be favorably reported to the House.

With the following committee amendment.

Strike all after the enacting clause and insert the following language:

"That section 7 of the Act entitled 'An Act to provide for the organization of the militia of the District of Columbia', approved March 1, 1889 (25 Stat. 772, 773), as amended (D.C. Code, sec. 39-201), is amended (1) by inserting '(a)' immediately after 'Sec. 7.', and (2) by adding at the end thereof the following new subsections:

"(b) Except as provided in subsection (c), a person serving as the commanding general of the militia of the District of Columbia shall be considered to be an employee of the Department of Defense, and of the United States, within the meaning of section 2105 of title 5, United States Code.

"(c) An officer of the Armed Forces of the United States who, while serving on active duty, is detailed to serve as commanding general of the militia of the District of Columbia shall, while so detailed, be entitled to receive only the pay and allowances to which



An Act

To amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

AUTHORIZATION FOR ADVANCE APPROPRIATIONS; CARRYOVER AUTHORIZATION

SECTION 1. (a) Section 3 of the National School Lunch Act is amended by inserting at the end thereof the following: "Appropriations to carry out the provisions of this Act and of the Child Nutrition Act of 1966 for any fiscal year are authorized to be made a year in advance of the beginning of the fiscal year in which the funds will become available for disbursement to the States. Notwithstanding any other provision of law, any funds appropriated to carry out the provisions of such Acts shall remain available for the purposes of the Act for which appropriated until expended."

(b) The first sentence of section 10 of the National School Lunch Act and the first sentence of section 12(d)(5) of such Act are each amended by striking the words "preceding fiscal year" and inserting in lieu thereof the following: "fiscal year beginning two years immediately prior to the fiscal year for which the Federal funds are appropriated".

NONFOOD ASSISTANCE PROGRAM AUTHORIZATION

SEC. 2. Sections 5(a) and 5(b) of the Child Nutrition Act of 1966 are amended to read as follows:

"(a) There is hereby authorized to be appropriated for the fiscal year ending June 30, 1971, not to exceed \$38,000,000, for the fiscal year ending June 30, 1972, not to exceed \$33,000,000, for the fiscal year ending June 30, 1973, not to exceed \$15,000,000, and for each succeeding fiscal year, not to exceed \$10,000,000, to enable the Secretary to formulate and carry out a program to assist the States through grants-in-aid and other means to supply schools drawing attendance from areas in which poor economic conditions exist with equipment, other than land or buildings, for the storage, preparation, transportation, and serving of food to enable such schools to establish, maintain, and expand school food service programs. In the case of a nonprofit private school, such equipment shall be for use of such school principally in connection with child feeding programs authorized in this Act and in the National School Lunch Act, as amended, and in the event such equipment is no longer so used, it may be transferred to another nonprofit private school participating in any of such programs or to a public school participating in any of such programs, or, failing either of these dispositions, that part of such equipment financed with Federal funds, or the residual value thereof, shall revert to the United States.

"(b) The Secretary shall apportion 50 per centum of the funds appropriated for the purposes of this section among the States during each fiscal year on the same basis as apportionments are made under section 4 of the National School Lunch Act, as amended, for supplying agricultural and other foods. The remaining funds appropriated for

Food service
programs for
children.

84 STAT. 207

84 STAT. 208

76 Stat. 944;

82 Stat. 117.

42 USC 1752.

80 Stat. 885.

42 USC 1771

note.

76 Stat. 945.

42 USC 1759,

1760.

Appropriation.

80 Stat. 887.

42 USC 1774.

Apportionment
to States.

76 Stat. 944.

42 USC 1753.

the purposes of this section shall be apportioned to each State on the basis of the ratio between the number of children enrolled in schools without a food service in such State and the number of children enrolled in schools without a food service in all States. Payments to any State of funds apportioned for any fiscal year shall be made upon condition that at least one-fourth of the cost of any equipment financed under this subsection shall be borne by State or local funds."

ADMINISTRATIVE EXPENSES, NUTRITION EDUCATION, AND DIRECT
EXPENDITURES

SEC. 3. The first sentence of section 6 of the National School Lunch Act is amended to read as follows: "The funds provided by appropriation or transfer from other accounts for any fiscal year for carrying out the provisions of this Act, and for carrying out the provisions of the Child Nutrition Act of 1966, other than section 3 thereof, less

"(1) not to exceed $3\frac{1}{2}$ per centum thereof which per centum is hereby made available to the Secretary for his administrative expenses under this Act and under the Child Nutrition Act of 1966;

"(2) the amount apportioned by him pursuant to sections 4 and 5 of this Act and the amount appropriated pursuant to sections 11 and 13 of this Act and sections 4, 5, and 7 of the Child Nutrition Act of 1966; and

"(3) not to exceed 1 per centum of the funds provided for carrying out the programs under this Act and the programs under the Child Nutrition Act of 1966, other than section 3, which per centum is hereby made available to the Secretary to supplement the nutritional benefits of these programs through grants to States and other means for nutritional training and education for workers, cooperators, and participants in these programs and for necessary surveys and studies of requirements for food service programs in furtherance of the purposes expressed in section 2 of this Act and section 2 of the Child Nutrition Act of 1966, shall be available to the Secretary during such year for direct expenditure by him for agricultural commodities and other foods to be distributed among the States and schools and service institutions participating in the food service programs under this Act and under the Child Nutrition Act of 1966 in accordance with the needs as determined by the local school and service institution authorities."

STATE MATCHING REQUIREMENTS

SEC. 4. Section 7 of the National School Lunch Act is further amended by inserting immediately before the last sentence of such section the following: "For the fiscal year beginning July 1, 1971, and the fiscal year beginning July 1, 1972, State revenue (other than revenues derived from the program) appropriated or utilized specifically for program purposes (other than salaries and administrative expenses at the State, as distinguished from local, level) shall constitute at least 4 per centum of the matching requirement; for each of the two succeeding fiscal years, at least 6 per centum of the matching requirement; for each of the subsequent two fiscal years, at least 8 per centum of the matching requirement; and for each fiscal year thereafter, at least 10 per centum of the matching requirement. The State revenues made available pursuant to the preceding sentence shall be disbursed to schools, to the extent the State deems practicable, in such manner that each school receives the same proportionate share of such revenues as it

60 Stat. 231.
42 USC 1755.

76 Stat. 944;
Ante, p. 208.

76 Stat. 944;
60 Stat. 231.
42 USC 1753,
1754.
Post, pp. 211, 210.
Post, pp. 214, 210.
Ante, p. 208.

60 Stat. 230;
80 Stat. 885.
42 USC 1751,
1771.

60 Stat. 232.
42 USC 1756.

receives of the funds apportioned to the State for the same year under sections 4 and 11 of the National School Lunch Act and sections 4 and 5 of the Child Nutrition Act of 1966."

STATE ADMINISTRATIVE EXPENSES

SEC. 5. The first sentence of section 7 of the Child Nutrition Act of 1966 is amended (1) by inserting "or for the administrative expenses of any other designated State agency" immediately after "its administrative expenses"; and (2) by inserting "and service institutions" immediately after "local school districts".

76 Stat. 944;
Post, p. 211.
42 USC 1753.
Post, p. 214.
Ante, p. 208.

80 Stat. 888.
42 USC 1776.

ADDITIONAL PROGRAM REQUIREMENTS AND AUTHORITY

SEC. 6. (a) The second sentence of section 9 of the National School Lunch Act (42 U.S.C. 1751) is amended by inserting "not exceeding 20 cents per meal" immediately after "or at a reduced cost".

60 Stat. 233.
42 USC 1758.

(b) Section 9 of the National School Lunch Act is further amended by inserting after the second sentence thereof the following: "Such determinations shall be made by local school authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions; but, by January 1, 1971, any child who is a member of a household which has an annual income not above the applicable family size income level set forth in the income poverty guidelines shall be served meals free or at reduced cost. The income poverty guidelines to be used for any fiscal year shall be those prescribed by the Secretary as of July 1 of such year. In providing meals free or at reduced cost to needy children, first priority shall be given to providing free meals to the neediest children. Determination with respect to the annual income of any household shall be made solely on the basis of an affidavit executed in such form as the Secretary may prescribe by an adult member of such household."

(c) Section 13(f) of the National School Lunch Act is amended by inserting after the second sentence, a new sentence: "Such determinations shall be made by the service institution authorities in accordance with a publicly announced policy and plan applied equitably on the basis of criteria which, as a minimum, shall include the level of family income, including welfare grants, the number in the family unit, and the number of children in the family unit attending school or service institutions."

82 Stat. 117.
42 USC 1761.

(d) The third sentence of section 9 of the National School Lunch Act and the fourth sentence of section 13(f) of such Act and the fourth sentence of section 4(e) of the Child Nutrition Act of 1966 are each amended by striking out the period at the end of the sentence and inserting in lieu thereof a comma and the following: "nor shall there be any overt identification of any such child by special tokens or tickets, announced or published lists of names, or other means."

80 Stat. 887.
42 USC 1773.

(e) Section 9 of the National School Lunch Act is further amended by inserting at the end thereof the following: "The Secretary is authorized to prescribe terms and conditions respecting the use of commodities donated under such section 32, under section 416 of the Agricultural Act of 1949, as amended, and under section 709 of the Food and Agriculture Act of 1965, as amended, as will maximize the nutritional and financial contributions of such donated commodities

49 Stat. 774.
7 USC 612c.
68 Stat. 458.
7 USC 1431.
79 Stat. 1212.
7 USC 1446a-1.

in such schools and institutions. The requirements of this section relating to the service of meals without cost or at a reduced cost shall apply to the lunch program of any school utilizing commodities donated under any of the provisions of law referred to in the preceding sentence. None of the requirements of this section in respect to the amount for 'reduced cost' meals and to eligibility for meals without cost shall apply to nonprofit private schools which participate in the school lunch program under the provisions of section 10 until such time as the Secretary certifies that sufficient funds from sources other than children's payments are available to enable such schools to meet these requirements."

SPECIAL ASSISTANCE

60 Stat. 233.
7 USC 1759.

Appropriations.
76 Stat. 946.
7 USC 1759a.

SEC. 7. Section 11 of the National School Lunch Act is amended to read as follows:

"SPECIAL ASSISTANCE

"SEC. 11. (a) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1971, and for each succeeding fiscal year such sums as may be necessary to provide special assistance to assure access to the school lunch program under this Act by children of low-income families.

"(b) Of the sums appropriated pursuant to this section for any fiscal year, 3 per centum shall be available for apportionment to Puerto Rico, the Virgin Islands, Guam, and American Samoa. From the funds so available the Secretary shall apportion to each such State an amount which bears the same ratio to such funds as the number of children aged three to seventeen, inclusive, in such State bears to the total number of such children in all such States. If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such State which justifies, on the basis of operating experience, the need for additional funds for such purposes.

"(c) The remaining sums appropriated pursuant to this section for any fiscal year shall be apportioned among States, other than Puerto Rico, the Virgin Islands, Guam, and American Samoa. The amount apportioned to each such State shall bear the same ratio to such remaining funds as the number of children in such State aged three to seventeen, inclusive, in households with incomes of less than \$4,000 per annum bears to the total number of such children in all such States. If any such State cannot utilize for the purposes of this section all of the funds so apportioned to it, the Secretary shall make further apportionment on the same basis as the initial apportionment to any such State which justifies, on the basis of operating experience, the need for such additional funds for such purposes.

"(d) Payment of the funds apportioned to any State under this section shall be made as provided in the last sentence of section 7 of this Act.

"(e) Funds paid to any State for any fiscal year pursuant to this section shall be disbursed to schools in such State to assist them in financing all or part of the operating costs of the school lunch program in such schools including the costs of obtaining, preparing, and serving food. The amounts of funds that each school shall from time to time receive, within a maximum per meal amount established by the Secretary for all States, shall be based on the need of the school for assistance in meeting the requirements of section 9 of this Act concerning the service of lunches to children unable to pay the full cost of such lunches.

Ante, p. 209.

Ante, p. 210.

"(f) If in any State the State educational agency is not permitted by law to disburse funds paid to it under this Act to nonprofit private schools in the State, the Secretary shall withhold from the funds apportioned to such State under subsection (b) or (c) of this section an amount which bears the same ratio to such funds as the number of free or reduced-price lunches served in accordance with section 9 of this Act in the fiscal year beginning two years immediately prior to the fiscal year for which the funds are appropriated, by all nonprofit private schools participating in the program under this Act in such State, bears to the number of such free and reduced-price lunches served during such prior year by all schools participating in the program under this Act in such State. The Secretary shall disburse the funds so withheld directly to the nonprofit private schools within such State for the same purposes and subject to the same conditions as are applicable to a State educational agency disbursing funds under this section.

Ante, p. 210.

"(g) In carrying out this section, the terms and conditions governing the operation of the school lunch program set forth in other sections of this Act, including those applicable to funds apportioned or paid pursuant to section 4 or 5 but excluding the provisions of section 7 relating to matching, shall be applicable to the extent they are not inconsistent with the express requirements of this section.

76 Stat. 944;
60 Stat. 231;
Ante, p. 209.
42 USC 1753,
1754.

"(h) (1) Not later than January 1 of each year, each State educational agency shall submit to the Secretary, for approval by him as a prerequisite to receipt of Federal funds or any commodities donated by the Secretary for use in programs under this Act and the Child Nutrition Act of 1966, a State plan of child nutrition operations for the following fiscal year, which shall include, as a minimum, a description of the manner in which the State educational agency proposes (A) to use the funds provided under this Act and funds from sources within the State to furnish a free or reduced-price lunch to every needy child in accordance with the provisions of section 9; (B) to extend the school-lunch program under this Act to every school within the State, and (C) to use the funds provided under section 13 of this Act and section 4 of the Child Nutrition Act of 1966 and funds from sources within the State to the maximum extent practicable to reach needy children.

80 Stat. 885.
42 USC 1771
note.

"(2) Each school participating in the school-lunch program under this Act shall report each month to its State educational agency the average number of children in the school who received free lunches and the average number of children who received reduced price lunches during the immediately preceding month. Each participating school shall provide an estimate, as of October 1 and March 1 of each year, of the number of children who are eligible for a free or reduced price lunch.

82 Stat. 117;
Post, p. 214.
42 USC 1761.

"(3) The State educational agency of each State shall report to the Secretary each month the average number of children in the State who received free lunches and the average number of children in the State who received reduced price lunches during the immediately preceding month. Each State educational agency shall provide an estimate as of October 1 and March 1 of each year, of the number of children who are eligible for a free or reduced price lunch."

Reports to
educational
agency.

Reports to
Secretary.

REGULATIONS

SEC. 8. Section 10 of the Child Nutrition Act of 1966 is amended by striking out the period at the end thereof and inserting in lieu thereof

80 Stat. 889.
42 USC 1779.

76 Stat. 944;
82 Stat. 117.
42 USC 1752.

Transfer and
reserve of
funds.

the following: "and the National School Lunch Act, including regulations relating to the service of food in participating schools and service institutions in competition with the programs authorized under this Act and the National School Lunch Act. In such regulations the Secretary may provide for the transfer of funds by any State between the programs authorized under this Act and the National School Lunch Act on the basis of an approved State plan of operation for the use of the funds and may provide for the reserve of up to 1 per centum of the funds available for apportionment to any State to carry out special developmental projects."

NATIONAL ADVISORY COUNCIL

SEC. 9. The National School Lunch Act is amended by adding at the end thereof the following new section:

"NATIONAL ADVISORY COUNCIL

Membership.

"SEC. 14. (a) There is hereby established a council to be known as the National Advisory Council on Child Nutrition (hereinafter in this section referred to as the 'Council') which shall be composed of thirteen members appointed by the Secretary. One member shall be a school administrator, one member shall be a person engaged in child welfare work, one member shall be a person engaged in vocational education work, one member shall be a nutrition expert, one member shall be a school food service management expert, one member shall be a State superintendent of schools (or the equivalent thereof), one member shall be a State school lunch director (or the equivalent thereof), one member shall be a person serving on a school board, one member shall be a classroom teacher, and four members shall be officers or employees of the Department of Agriculture specially qualified to serve on the Council because of their education, training, experience, and knowledge in matters relating to child food programs.

Terms of
office.

"(b) The nine members of the Council appointed from outside the Department of Agriculture shall be appointed for terms of three years, except that such members first appointed to the Council shall be appointed as follows: Three members shall be appointed for terms of three years, three members shall be appointed for terms of two years, and three members shall be appointed for terms of one year. Thereafter all appointments shall be for a term of three years, except that a person appointed to fill an unexpired term shall serve only for the remainder of such term. Members appointed from the Department of Agriculture shall serve at the pleasure of the Secretary.

"(c) The Secretary shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Council.

"(d) The Council shall meet at the call of the Chairman but shall meet at least once a year.

"(e) Seven members shall constitute a quorum and a vacancy on the Council shall not affect its powers.

Study.

"(f) It shall be the function of the Council to make a continuing study of the operation of programs carried out under the National School Lunch Act, the Child Nutrition Act of 1966, and any related Act under which meals are provided for children, with a view to determining how such programs may be improved. The Council shall submit to the President and the Congress annually a written report of the results of its study together with such recommendations for administrative and legislative changes as it deems appropriate.

42 USC 1751
note, 1771
note.
Report to
President and
Congress.

"(g) The Secretary shall provide the Council with such technical and other assistance, including secretarial and clerical assistance, as may be required to carry out its functions under this Act.

Technical and other assistance.

"(h) Members of the Council shall serve without compensation but shall receive reimbursement for necessary travel and subsistence expenses incurred by them in the performance of the duties of the Council."

Travel and subsistence pay.

SCHOOL BREAKFAST PROGRAM AUTHORIZATION

SEC. 10. Section 4(a) of the Child Nutrition Act of 1966 is hereby amended by striking out "\$12,000,000" and inserting "\$25,000,000".

82 Stat. 119.
42 USC 1773.

Approved May 14, 1970.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 91-81 (Comm. on Education and Labor) and 91-1032 (Comm. of Conference).

SENATE REPORT No. 91-641 accompanying S. 2548 (Comm. on Agriculture and Forestry).

CONGRESSIONAL RECORD:

Vol. 115 (1969): Mar. 20, considered and passed House.

Vol. 116 (1970): Feb. 20, 23, 24, considered and passed Senate, amended.

Apr. 30, Senate agreed to conference report.

May 4, House agreed to conference report.

